

Handbook
for
PCT International Search and
Preliminary Examination
in
the Japan Patent Office

(Provisional Translation)



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Note: If any inconsistency between the Japanese original text and this provisional translation is found, the Japanese text shall prevail.

Table of Contents

Explanatory Notes

Chapter 1	Outline of the PCT System
Chapter 2	International Search Work
Chapter 3	International Preliminary Examination Work
Chapter 4	Criteria for Substantive Requirements in the International Phase
Chapter 5	Other Work in the International Phase

Appendix A	Categories of Cited Documents
Appendix B	Manner for Identification of Cited Documents
Appendix C	Decision of the Basis of the International Preliminary Examination in the Cases Where Amendments Have Been Made
Appendix D	Case Examples of Annexes Attached to the IPER

Explanatory Notes

(1) Offices and Authorities

WIPO	World Intellectual Property Organization
IB	International Bureau
RO	Receiving Office
ISA	International Searching Authority
IPEA	International Preliminary Examining Authority
DO	Designated Office
EO	Elected Office
JPO	Japan Patent Office
RO/JP	Japan Patent Office as a Receiving Office
ISA/JP	Japan Patent Office as an International Searching Authority
IPEA/JP	Japan Patent Office as an International Preliminary Examining Authority
DO/JP	Japan Patent Office as a Designated Office
EO/JP	Japan Patent Office as an Elected Office

(2) Documents established by the ISA or IPEA

ISR	International Search Report
WO/ISA	Written Opinion of the International Searching Authority
WO/IPEA	Written Opinion of the International Preliminary Examining Authority
IPER	International Preliminary Examination Report
IPRP	International Preliminary Report on Patentability

(3) Reference to articles and others

a. Patent Cooperation Treaty, Regulations and Administrative Instructions

[A1(a)]	Patent Cooperation Treaty (PCT): Article 1(a)
[R1.1(a)]	Regulations under the PCT: Rule 1.1(a)
[S101(a)]	Administrative Instructions under the PCT: Section 101(a)

Texts Available on the WIPO website

Original Texts in English:

<http://www.wipo.int/pct/en/texts/>

Provisional Translations in Japanese:

<http://www.wipo.int/pct/ja/texts/>

b. PCT International Search and Preliminary Examination Guidelines

[GL1.01]	PCT International Search and Preliminary Examination Guidelines: Paragraph 1.01
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Texts Available on the WIPO website and the JPO website

Original Texts in English: <http://www.wipo.int/pct/en/texts/gdlines.html>

c. International Application Act, Order for Enforcement and Regulations (national laws and regulations in Japan)

[IAA Article 1]	Act on International Applications under the Patent Cooperation Treaty (International Application Act) : Article 1
[CO Article 1]	Order for Enforcement of the International Application Act (Cabinet Order): Article 1
[MO Article 1]	Regulations under the International Application Act (Ministerial Ordinance): Article 1

Texts Available on the Japan Laws and Regulations Data Service System provided by the Administrative Management Bureau of the Ministry of Internal Affairs and Communication

International Application Act: <http://law.e-gov.go.jp/htmldata/S53/S53HO030.html>

Cabinet Order: <http://law.e-gov.go.jp/htmldata/S53/S53SE291.html>

Ministerial Ordinance: <http://law.e-gov.go.jp/htmldata/S53/S53F03801000034.html>

d. Examination Guidelines for Patent and Utility Model in Japan (Japanese Examination Guidelines)

JPGL Part I Chapter 1	Examination Guidelines for Patent and Utility Model in Japan: Part I, Chapter 1
	Hyperlink to the JPGL
[E, A]	F: Hyperlink to Full Texts of the JPGL
[F]	A: Hyperlink to Abstract of the JPGL (“Overview of related parts of JPGL” described in the end of each section in Chapter 4)

Texts Available on the JPO website

Original Texts in Japanese: http://www.jpo.go.jp/shiryoku/kijun/kijun2/tukujitu_kijun.htm

Provisional Translations in English: http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/1312-002_e.htm

(4) Reference to Section of This Handbook

→ § 1.1	See Section 1.1 of this Handbook.
→ § 1.1.1	See Subsection 1.1.1 of this Handbook.

Chapter 1

Outline of the PCT System

Chapter 1

Outline of the PCT System

Table of Contents

Basics of the PCT System

1.1	History of the PCT	1
1.1.1	Establishment of the Patent Cooperation Treaty	1
1.1.2	Background of Revisions to the PCT System PCT	1
1.2	Characteristics of the PCT System	3
1.3	Priority System under the PCT	7
1.3.1	Priority under the Paris Convention	7
1.3.2	Priority in Self-Designated International Applications (Internal Priority)	8
1.3.3	Priority Date	10
1.3.4	Submission of Priority Document	11
1.4	Offices and Authorities provided in the PCT	13
1.4.1	International Bureau (IB)	13
1.4.2	Receiving Office (RO)	14
1.4.3	International Searching Authority (ISA)	14
1.4.4	International Preliminary Examining Authority (IPEA)	14
1.4.5	Designated Office (DO)	15
1.4.6	Elected Office (EO)	15
1.5	Competence of the RO, ISA and IPEA	17
1.5.1	Competent RO	17
1.5.2	Competent ISA	18
1.5.3	Translation for International Search	19
1.5.4	Competent IPEA	20
1.5.5	Translation for the Purpose of International Preliminary Examination	20

1.5.6	Competence of the JPO	21
1.6	Treaty and the National Laws, etc. concerning the PCT System	25
1.6.1	Treaty, Regulations and Guidelines, etc. for the PCT System.....	25
1.6.2	National Laws and Regulations in Japan concerning the PCT System	27

Outline of the procedures for International Applications under the PCT

1.7	Whole Picture of the Procedures for the International Application	29
1.8	Procedures of the RO.....	30
1.8.1	Checking of Formality Requirements.....	30
1.8.2	Confirming whether the Fees have been Paid	30
1.8.3	Transmitting the International Applications to the IB and the ISA	31
1.9	International Search Stage.....	33
1.9.1	Establishing the ISR and WO/ISA	33
1.9.2	Use of the ISR and the WO/ISA	34
1.10	Amendment under Article 19 and Informal Comments	36
1.10.1	Amendment under Article 19	36
1.10.2	Informal Comments	38
1.11	International Publication.....	40
1.11.1	Timing of the International Publication	40
1.11.2	Languages of Publication.....	41
1.11.3	Contents of the International Publication.....	42
1.11.4	Effects of the International Publication.....	43
1.11.5	Providing the WO/ISA and the Informal Comments for Third Parties.....	45
1.12	International Preliminary Examination Stage.....	46
1.12.1	Demand for International Preliminary Examination.....	46
1.12.2	Amendment under Article 34 and Written Reply	47
1.12.3	WO/IPEA	49
1.12.4	Establishing the IPER	49
1.12.5	Using the IPER.....	51
1.13	Entry into the National Phase	53
1.13.1	Procedures for Entering the National Phase	53

1.13.2	Communication from the IB to the DOs or EOs	55
1.13.3	Examination in the National Phase.....	60

1.1 History of the PCT

1.1.1 Establishment of the Patent Cooperation Treaty

The Patent Cooperation Treaty (PCT) was prescribed as a special agreement of Article 19 of the Paris Convention. The PCT was signed on June 19, 1970 in Washington, D.C. and entered into force on January 24, 1978 (as for Chapter 2, entered into force on March 29, 1978). Its official name used in the national laws and regulations of Japan is “the Patent Cooperation Treaty Done at Washington on June 19, 1970” (Treaty No.13 of July 15, 1978).

Japan is the 19th contracting State and the PCT entered into force on October 1, 1978 in Japan.

1.1.2 Background of Revisions to the PCT System

The international application system under the PCT (the PCT system) has been revised many times for the purpose of improving the procedures of the international applications. The following list shows major revisions in recent years (each revision entered into force in the month and year shown).

- April 2002 Change of the time limit for entry into the national phase to 30 months¹ ([→ § 1.13.1 \(1\)](#))
- January 2004 Introduction of automatic and all-inclusive designations ([→ § 1.4.5](#))
- January 2004 Introduction of the WO/ISA ([→ § 1.9.1](#))
- April 2007 Enhancement of the correction procedures² ([→ § 5.13](#))
- April 2007 Introduction of the procedures for restoration of the right of priority³ ([→ § 5.14.2](#))
- July 2014 Introduction of top-up searches carried out by the IPEA ([→ § 3.6](#))

¹ In Japan, the transitional measure had been taken, as this provision did not conform to national laws and regulations. However, national laws and regulations were revised afterward (enforced in September 2002).

² Same as above (enforced in October 2012).

³ Same as above (enforced in April 2015)

- July 2014 Publication of the WO/ISA at the time of the international publication ([→ § 1.11.5](#))

1.2 Characteristics of the PCT System

The international application system under the PCT (PCT system) was established with the aim of improving complicated and inefficient procedures under which applicants need to file patent applications with many countries.

The PCT system has the following four characteristics (See Fig. 1-1).

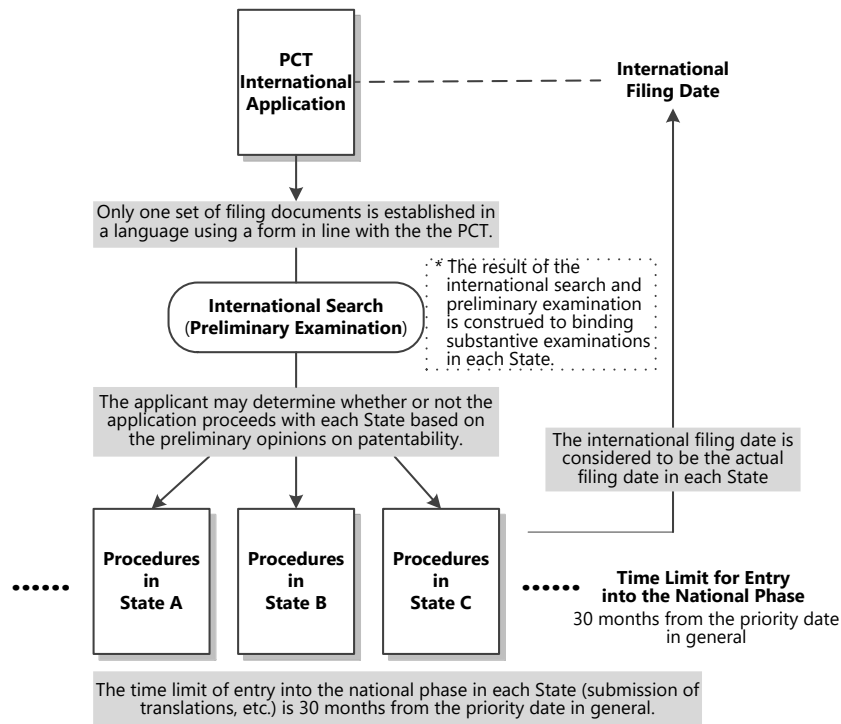


Fig. 1-1 Characteristics of the PCT System

(i) **An application may be filed with one application form.**

If an applicant establishes one set of filing documents in a language accepted by an RO using a unified form in line with the the PCT and files an international application with the RO, it is deemed that a regular national application has been filed to all Contracting States. It is not necessary to establish filing documents in different forms accepted by Contracting States.

(ii) **The filing date may be assured for all PCT Contracting States.**

The filing date of the international application (international filing date) shall be considered to be the actual filing date in all Contracting States. As long as the international application is accepted and the international filing

date is approved, it is not necessary to take the procedures with each State to assure the filing date.

(iii) **Preliminary opinion on patentability (novelty, inventive step, etc.) may be obtained.**

An international search is carried out when any international application is filed. In addition, an international preliminary examination is carried out at the request of the applicant. The search or examination results serve as the basis for the applicant to determine whether the procedures with each State should be continued (entry into the national phase). In the case where an opinion on patentability is negative, the applicant may choose to give up obtaining a patent in each State. In this case, application costs (e.g., fees that are to be paid to Offices, commissions for local representatives and translation fees) may be saved.

The utilization of results of international searches and international preliminary examinations by Offices is expected to eliminate redundant search and examination works of Offices. However, it is needed to take note that the results of international searches and international preliminary examinations are used for reference purpose only in a State, and they shall not be construed to binding substantive examinations in that State. The PCT system is an international patent application system, but it does not grant patents internationally.

(iv) **The time limit of entry into the national phase in each State (submission of translations, etc.) is 30 months from the priority date in general.**

The time limit of entry into the national phase ([→ § 1.13.1 \(1\)](#)) for taking the procedures with each State is 30 months from the priority date in general ([→ § 1.3.3](#)). This gives the applicant sufficient time to prepare for translations to be submitted to the Offices.

For filing the international application, the applicant files an earlier application with the Office of the applicant's own country and then files an international application claiming priority based on the earlier application ([→ § 1.3](#)), or directly files an international application without claiming priority ([→ Fig. 1-1](#)). The latter is called "direct PCT application".

Comparison of the PCT route with the Paris route

Where an applicant intends to obtain a patent for the same invention in two or more countries, he/she generally selects either the Paris route or the PCT route. The PCT route has the advantages shown in Table 1-1 over the Paris route.

Table 1-1 Advantages of the PCT route (Comparison with the Paris route)

Viewpoint	PCT route	Paris route
Form and Language	The applicant establishes only one set of filing documents in a language accepted by an RO using a unified form in line with the the PCT and files an international application with the RO.	The applicant needs to establish filing documents in different languages in line with each form prescribed in the national law of each state and submit them to each Office of that state.
Filing Date	An international application filed with an RO under the PCT is considered to be filed on the actual filing date in all Contracting States.	A filing date may not be assured in each country unless an application is filed with each Office.
Preliminary Opinion	Preliminary opinions on patentability (novelty, inventive step, etc.) may be obtained. Based on their results, the applicant may determine whether or not the application proceeds with each State.	In general ¹ , the results of search or examination for the earlier application are not obtained during the priority period.
Time Limit for Taking Procedures in Each Country	The time limit of entry into the national phase in each State (submission of translations, etc.) is 30 months from the priority date in general.	It is necessary to translate filing documents no later than 12 months from the priority date (priority period) and file an application with each country.

Generally, when an international application is filed under the PCT route, as the number of countries in which the applicant desires to obtain a patent increases, the application fee per country becomes lower, considering the total application fees payable to authorities and Offices ([→ § 1.4](#)). Moreover, there may be an opportunity of saving filing costs mentioned in the above (iii) when an application is filed under the PCT route. On the other hand, when the applicant desires to obtain a patent in a few countries, choosing the Paris route, not the PCT route, generally tends to save money.

The applicant strategically chooses one of the two routes in accordance with the

¹ However, the result of search or examination may be obtained at an early stage in accordance with a system of the country of first filing with which the earlier application has been filed.

countries where he/she desires to obtain a patent, an expected timing of obtaining the right (whether it is necessary to obtain the right at an early stage or not), and the budget for obtaining the right, taking into consideration the characteristics of the two routes.

1.3 Priority System under the PCT

Any international application may be accompanied by a claim of priority. The priority system under the PCT is explained below.

1.3.1 Priority under the Paris Convention

(1) Outline of the priority system under the Paris Convention

Under the priority system under the Paris Convention, where a person who has filed a patent application with any country of the Union of the Paris Convention (Country of First Filing) files a patent application on the content described in filing documents of the said application with another country of the Union of the Paris Convention (Country of Second Filing) within 12 months from the first application, the second application is treated in the same way as if it was filed on the filing date of the first application for determining novelty and inventive step.

(2) Priority claim in the international application under the Paris Convention

The international application may contain a declaration claiming the priority under the Paris Convention for the Protection of Industrial Property [A8(1), A8(2)(a)]. The second filing shall be treated as an international application, not as an application filed with any specific country of second filing, in the claim of priority under the Paris Convention. An international application claiming priority under the Paris Convention shall be treated in the same way as if it was filed on the filing date of the first application in all designated States ([→ § 1.4.5](#)) for determining novelty and inventive step.

(3) Priority claim based on an earlier international application

Any international application shall be considered to be a “regular national filing” within the meaning of the Paris Convention [A11(4)]. As Article 4A(2) of the said Convention provides that any filing that is equivalent to a “regular national filing” shall be recognized as giving rise to the right of priority, a specific second application or an international application can be filed by virtue of a right of priority based on the said international application under the Paris Convention.

1.3.2 Priority in Self-Designated International Applications (Internal Priority)

(1) Self-designation

Any international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State (the self-designation) [A8(2)(b)].

Where a self-designated international application is filed, the conditions for, and the effect of, the claim of priority in that State shall be governed by the national law of that State [A8(2)(b)].

(2) Self-designated international application in Japan

a. Internal priority

In Japan, a claim of priority in a self-designated international application shall be treated as a claim of priority based on a patent application as provided in Article 41 of the Patent Act, so-called an internal claim of priority

Under the internal priority system, where an application claiming the priority on the contents of an already-filed own application (hereinafter referred to as “earlier application”) is filed within one year from the filing date thereof (hereinafter referred to as “later application”), the later application shall be deemed to have been filed at the time when the earlier application was filed concerning the determination of novelty and inventive step.

b. Deemed withdrawal of earlier applications

Different from the priority system under the Paris Convention, the earlier application on which an internal claim of priority is based shall be deemed to have been withdrawn when one year and three months has lapsed from the filing date of the earlier application under the internal priority system [Article 42(1), the Patent Act].

The provisions for internal priority shall be applied to earlier applications filed in Japan, as international applications claiming the priority based on earlier applications filed in Japan usually include Japan as a designated State as a result of complete self-designation deemed ([→ § 1.4.5](#)). In this case, they are deemed to have been withdrawn when 16 months has lapsed from the filing date of the earlier application, that is, the priority date (See Fig. 1-2).

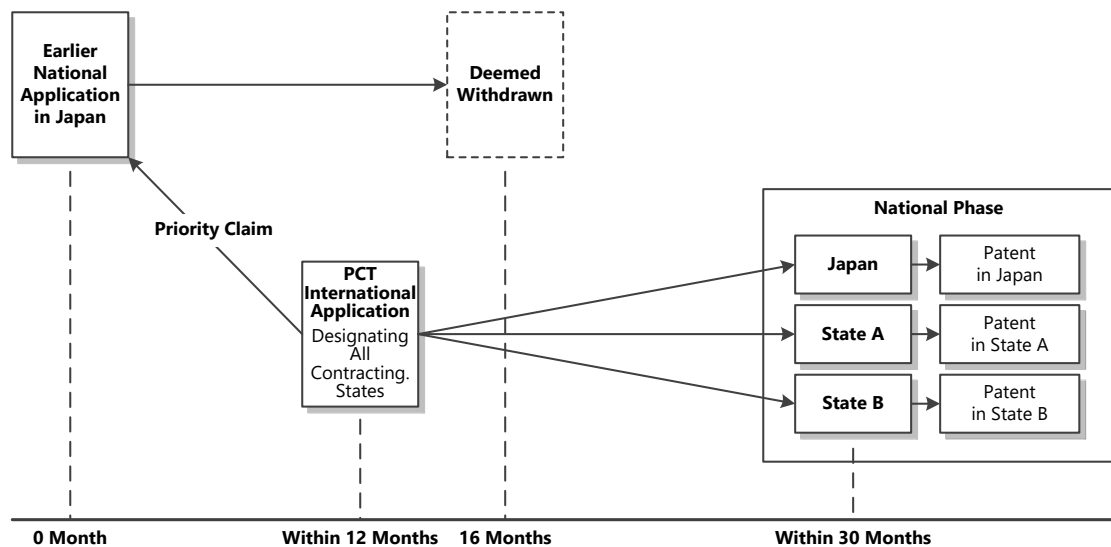


Fig. 1-2 Case of the self-designation of Japan

(3) Exclusion and withdrawal of the designation of Japan

Where an applicant who files an international application claiming priority based on an earlier national application desires to obtain the right in Japan by virtue of the earlier application, not of the international application, the applicant shall need to exclude (See Fig. 1-3) [R4.9(b)] or withdraw the designation of Japan in the request before the earlier application is deemed to be withdrawn [R90bis.2].

V	DESIGNATIONS	
V-1	The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.	
V-2	Item V-2 may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.	JP

Fig. 1-3 Example of exclusion of the designation of Japan in the request (Excerpt of Box No. V in the request)

However, where designation of a particular State has been excluded in the request,

the international application shall not be recognized as a regular national filing in that State [A11(3)]. Moreover, where the designation of that State has been withdrawn, the effect of the international application in that designated State (effect of the regular national filing) shall cease with the same consequences as the withdrawal of any national application in that State [A24(1)(i)]. Thus, where the designation of Japan has been excluded or withdrawn, the applicant cannot enter the national phase in Japan (See Fig. 1-4).

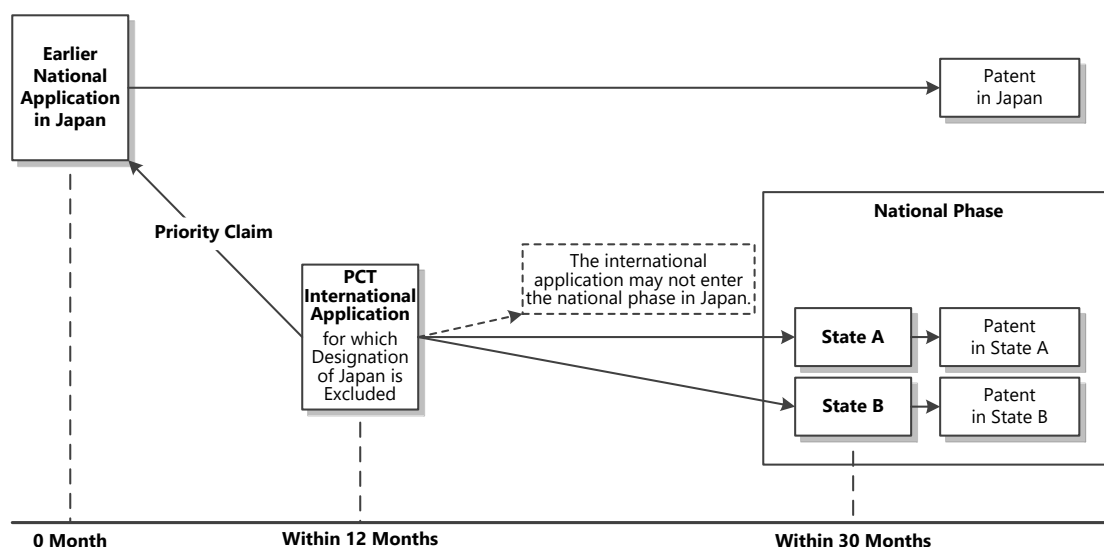


Fig. 1-4 Case where the designation of Japan is excluded

1.3.3 Priority Date

The priority date is defined in the PCT as follows [A2(xi)]. The priority date shall either be “the filing date of the application on which claim of priority is based” or “the international filing date”, depending on whether there is claim of priority or not (See Fig. 1-5).

- (i) Where the international application contains a priority claim, the priority date shall be the filing date of the application whose priority is so claimed.
- (ii) Where the international application contains several priority claims, the priority date shall be the filing date of the earliest application whose priority is so claimed.

- (iii) Where the international application does not contain any priority claim, the priority date shall be the international filing date of such application.

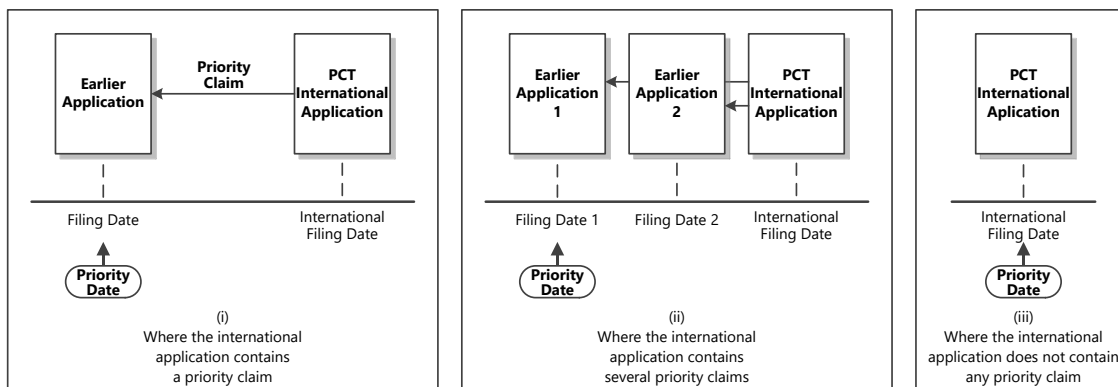


Fig. 1-5 Priority date

The priority date is used as a starting date of calculation of a period provided in the PCT (e.g., the time limit for establishing the ISR [R42.1], the time for the international publication [A21(2)(a)], and the time limit for entry into the national phase [A22(1)]).

1.3.4 Submission of Priority Document

Where the priority of an earlier national or international application is claimed, the applicant shall submit a copy of that earlier application or international application, which is certified by the authority with which it was filed (“the priority document”)¹ [R17]. The priority document may be submitted by the basic method shown in (i) and by alternative methods shown in (ii) or (iii).

(1) Submission of the priority document to the IB or RO

The applicant shall submit the priority document to the IB or to the RO not later than 16 months after the priority date [R17.1(a)]. The priority document submitted to the RO is sent to the IB [S323(a)].

¹ Even if the priority document has not been submitted during the international phase, no designated Office shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances [R17.1(c)]. Furthermore, no designated Office shall disregard the priority claim if the earlier application was filed with it in its capacity as national Office or if the priority document is available to it from the DAS (→ (3)) [R17.1(c)].

(2) Request for sending the priority document to the RO

Where the priority document is established by the RO, the applicant may, instead of submitting the priority document, request the RO to prepare and transmit the priority document to the IB not later than 16 months after the priority date [R17.1(b)].

(3) Use of the Digital Access Service (DAS)

The Digital Access Service (DAS) is provided by the WIPO allowing exchange of the priority document electronically among participating Offices or organizations with the aim of simplifying the procedures for submitting it when an application claiming priority under the Paris Convention is filed.

Where the priority document is made available to the IB via the DAS prior to the date of international publication, the applicant may, instead of submitting the priority document, request the IB, prior to the date of the international publication, to obtain the priority document via the DAS [R17.1(b-*bis*)].

1.4 Offices and Authorities provided in the PCT

The PCT provides for the Offices and Authorities related to the procedures for processing the international application. This section outlines the Offices and Authorities provided in the PCT and their major roles (See Table 1-2).

Table 1-2 Major roles of the Offices and Authorities provided in the PCT

	Name and Abbreviation	Major Roles
International Phase	International Bureau (IB)	<ul style="list-style-type: none"> • Administrative tasks concerning the PCT • International publication • Communication of the international application to the DOs or EOs • Roles as an RO
	Receiving Office (RO)	<ul style="list-style-type: none"> • Receiving the international application • Check of the formality requirements • Check of payment of fees • Transmittal of the international application to the IB and ISA
	International Searching Authority (ISA)	<ul style="list-style-type: none"> • Carrying out the international search and establishing the ISR and the WO/ISA
	International Preliminary Examining Authority (IPEA)	<ul style="list-style-type: none"> • Carrying out the international preliminary examination and establishing the IPER
National Phase	Designated Office (DO)	<ul style="list-style-type: none"> • Patent examination in a designated State (that is, a State designated in the request by the applicant to obtain a patent based on the international application)
	Elected Office (EO)	<ul style="list-style-type: none"> • Patent examinations in an elected State (that is, where a demand for international preliminary examination is filed, a State elected by the applicant from designated States to which the IPER is communicated)

1.4.1 International Bureau (IB)

Administrative tasks concerning the PCT are performed by the International Bureau (IB) under the World Intellectual Property Organization (WIPO) [A55(1)]. The major roles of the IB in the procedures for processing the international application under the PCT include the international publication [A21] ([→ § 1.11](#)), and the communication of the international application to the DOs or EOs [A20, A36] ([→ § 1.13.2](#)). In addition, the IB plays the role as an RO [R19.1(a)(iii)] ([→ § 1.5.1 \(1\)](#)).

1.4.2 Receiving Office (RO)

The international application shall be filed with a Receiving Office (RO) [A10, A2(xv)]. The RO which is responsible for receiving international applications is decided according to the residence or nationality of the applicant. These ROs are called competent Receiving Offices (competent ROs) ([→ § 1.5.1](#)). The applicant shall select a RO with which the international application is to be filed from the competent ROs.

The major roles of the RO include the receipt of international applications, check of the formality requirements of the international application [A10], accordance of the international filing date [A11], check of payment of fees [A14(3)], and transmittal of the international application to the IB and ISA [A12(1)] ([→ § 1.8](#)).

1.4.3 International Searching Authority (ISA)

Each international application shall be the subject of an international search [A15(1)]. International search shall be carried out by the International Searching Authority¹ (ISA) [A16(1)]. The ISA shall establish the ISR and the WO/ISA² [A18(1), R43bis.1(a)] ([→ § 1.9](#)).

Each RO shall specify the ISAs competent for the international search of the international application filed with the RO [A16(2)]. These ISAs are called the competent International Searching Authority (the competent ISA) ([→ § 1.5.2](#)). Where two or more ISAs are competent, the choice shall be left to the applicant [R35.2(a), R35.3(b)].

1.4.4 International Preliminary Examining Authority (IPEA)

On the demand of the applicant, the international application shall be the subject of an international preliminary examination [A31(1)]. Any international preliminary examination shall be carried out by the International Preliminary Examining Authority

¹ As for the ISAs which have been appointed by the Assembly and whose agreement with the IB have concluded, a list of the ISAs is available on the WIPO website:
“ISA and IPEA Agreements”.

http://www.wipo.int/pct/en/access/isa_ipea_agreements.html

² Where the all claims are excluded from the international search ([→ § 2.3.5](#)), the ISA establishes, instead of the ISR, ISA/203 (decision not establishing the ISR) and the WO/ISA [A17(2)(a), R43bis.1(a)].

(IPEA) [A32(1)]. The IPEA shall establish the IPER [A35(1)] ([→ § 1.12](#)).

Each RO shall specify the IPEAs competent for the international preliminary examination of the international application filed with the RO [A32(2)]. These IPEAs are called the competent International Preliminary Examining Authority (the competent IPEA) ([→ § 1.5.4](#)). Where two or more IPEAs are competent, the choice shall be left to the applicant [R59.1(a), R35.2].

1.4.5 Designated Office (DO)

The designated Contracting State or States in which protection for the invention is desired on the basis of the international application is called designated States [A4(1)(ii)]. The filing of a request shall constitute the designation of all Contracting States that are bound by the Treaty on the international filing date¹ [R4.9(a)]. This is called “automatic and all-inclusive designations²”.

The national Office of the designated State (the government authority of a Contracting State entrusted with the granting of patents [A2(xii)]) is called designated Office (DO) [A2(xiii)]. In order to enter the national phase in each designated State, the applicant needs to take the procedures (submission of a translation of the international application, etc. [A22]) with each DO in the prescribed period ([→ § 1.13](#)).

1.4.6 Elected Office (EO)

Where the applicant makes a demand for international preliminary examination, the Contracting State or States in which the applicant intends to use the results of the international preliminary examination (to which the IPER is communicated) shall be called elected States [A31(4)(a)]. The filing of the demand for the international preliminary examination shall constitute the election of all Contracting States which are

¹ Box No. V “DESIGNATIONS” in the request indicates that all Contracting States bound by the PCT on the international filing date shall be designated. Therefore, the applicant does not have to enter any designated States in the request.

² The applicant may indicate in a request that the designation of that State or States is not made in order to avoid such a situation that the earlier national application on which the claim of priority of the international application is based is deemed to have been withdrawn [R4.9(b)]. Moreover, the applicant may withdraw the designation of any designated State at any time prior to the expiration of 30 months from the priority date [R90*bis*.2] (as for exclusion from or withdrawal of designation of Japan [→ § 1.3.2 \(3\)](#)).

designated and are bound by Chapter II (International Preliminary Examination) of the PCT¹ [R53.7].

The national Office of the elected State is called elected Office (EO) [A2(xiv)]. In order to enter the national phase in each elected State, the applicant needs to take the procedures (submission of a translation of the international application, etc. [A39]) with each EO in the prescribed period (→ § 1.13).

Notes

International phase and national (regional) phase

Where an international application is filed under the PCT, the procedure taken by any DO or EO is called “national phase”. The procedure from the filing with any RO before entering the national phase is called “international phase”.

Where the international application enters from the international phase into the phase of an intergovernmental authority having the power to grant patents effective in more than one State [A2(iv), A45], the phase of the intergovernmental authority is called “regional phase”. In addition, although the intergovernmental authority falls under “national Office” defined in PCT Article 2(xii), it is particularly called “regional Office”. There are four regional Offices as below² (as of September 1, 2015).

- African Regional Intellectual Property Organization (ARIPO)
- Eurasian Patent Office (EAPO)
- European Patent Office (EPO)
- African Intellectual Property Organization (OAPI)

¹ Box No. V “ELECTION OF STATES” in the demand for international preliminary examination indicates that all Contracting States which are designated and bound by Chapter II of the PCT are elected. Therefore, the applicant does not have to enter any elected States in the demand for international preliminary examination. The applicant may withdraw any elections at any time prior to the expiration of 30 months from the priority date [R90bis.4].

² Information on the Contracting States for which a Regional Patent can be Obtained via the PCT is available on the WIPO website:

“PCT Contracting States for which a Regional Patent can be Obtained via the PCT”.

http://www.wipo.int/pct/en/texts/reg_des.html

1.5 Competence of the RO, ISA and IPEA

The competence of the RO, ISA and IPEA is prescribed in the PCT, respectively. The competence of the RO, ISA and IPEA and the competence of the JPO is explained herein.

1.5.1 Competent RO

(1) Competence of the RO in accordance with the residence and nationality of the applicant

The competence of the RO is prescribed by the residence and nationality of the applicant of the international application. The international application shall be filed with an RO, at the option of the applicant¹ [R19.1(a)]:

- (i) with the national Office of or acting for the Contracting State of which the applicant is a resident,
- (ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or
- (iii) irrespective of the Contracting State of which the applicant is a resident or national, with the IB.

If there are two or more applicants, the international application may be filed with the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national [R19.2].

(2) Language of the international application

The international application shall be filed in any language which the RO accepts for that purpose² [R12.1(a)]. However, the request shall be filed in any of languages of the international publication ([→ § 1.11.2](#)) which the RO accepts [R12.1(c)].

¹ Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State [R19.1(b)]. In this case, the applicants who are residents or nationals of that former State may file an international application with the national Office of the latter State or the intergovernmental organization as the RO.

² For information on the languages which each RO accepts, see the PCT Applicant's Guide, International Phase, Annex C.
<http://www.wipo.int/pct/en/appguide/>

(3) Where the international application is filed with a national Office which is not the competent RO

Where an international application is filed with a national Office which is not a competent RO, or that international application is not in a language accepted by that national Office as RO, it shall be considered that the international application have been received by that national Office on behalf of the IB as an RO (RO/IB) [R19.4(a)]. The international application is promptly transmitted to the RO/IB. The international application so transmitted shall be considered to have been received by the RO/IB on the date of receipt of the international application by that national Office [R19.4(b)]. However, the time limit of payment of transmittal fees, international application fees and search fees shall be calculated from the date of receipt of the international application transmitted from the national Office by the RO/IB, not from the date of receipt of the international application by that national Office [R19.4(c)].

1.5.2 Competent ISA

(1) Where the RO is a national Office

Each RO specifies one or more ISA(s) the ISAs competent for the searching of international applications filed with the RO in accordance with the terms of the applicable agreements between the ISAs and the IB ([→ § 1.6.1\(4\)](#)) [A16(2)]. These ISAs are called competent ISAs. Each RO informs the IB of the specified competent ISAs, and the IB publishes such information¹ [R35.1, R35.2].

The RO may specify one or more competent ISA(s) for certain kinds of international applications (e.g., languages) [R35.2(a)(ii)].

(2) Where the RO is the IB (RO/IB)

When the international application is filed with the RO/IB, the ISA shall be competent for the searching of that international application if it would have been competent had that international application been filed with the RO prescribed by the residence and nationality of the applicant (excluding the IB) [R35.3(a)].

¹ For information on competent ISAs of each RO, see the PCT Applicant's Guide, International Phase, Annex C.
<http://www.wipo.int/pct/en/appguide/>

For example, where the international application is filed with the RO/IB by an applicant alone who is a national and resident of Japan, the competent ISAs are the JPO, the European Patent Office (EPO), the Intellectual Property Office of Singapore (IPOS) and the Indian Patent Office (IPO), which would have been competent if that international application had been filed with the JPO as an RO (RO/JP) ([→ § 1.5.6 \(1\) c.](#)).

(3) Option of the applicant where there are several competent ISAs

Where two or more ISAs are competent, the choice shall be left to the applicant [R35.2(a), R35.3(b)]. The applicant shall indicate the choice of ISA in the request [R4.14*bis*].

1.5.3 Translation for International Search

(1) Furnishing and transmitting a translation

Where the language in which the international application is filed is accepted by the RO but not accepted by the ISA that is to carry out the international search, the applicant shall furnish to the RO a translation of the international application [R12.3(a)]. Where a translation of the international application is submitted by the applicant, a copy of that translation and of the request shall be transmitted by the RO to the ISA [R23.1(b)]. A copy of translation transmitted by the RO to the ISA shall be recognized as the search copy [A12(1)]. The RO shall mark the words “SEARCH COPY – TRANSLATION (RULE 12.3)” in the upper left-hand corner of the first page of the original copy of the translation transmitted to the ISA [S305*bis*].

(2) Where the translation is transmitted to the ISA

In general, the ISR shall be in the language in which the international application to which it relates is to be published. However, if a translation of the international application into another language was transmitted by the RO to the ISA, the ISR may be in the language of that translation ([→ § 1.9.1 \(2\)](#)). In the same way, the ISA may establish a title and an abstract in the language of that translation [R37.2, R38.2].

In general, a letter or document furnished by the applicant to the ISA shall be in the same language as the language of the international application. However, where a translation of the international application has been transmitted by the RO to the ISA

[R23.1(b)], the language of such translation shall be used [R92.2(a)].

(3) Language of publication where a translation was submitted

If the international application is filed in a language of publication ([→ § 1.11.2](#)), that application shall be published in the language in which it was filed [R48.3(a)]. However, if the international application is not filed in a language of publication and a translation into a language of publication has been furnished, that application shall be published in the language of the translation [R48.3(b)].

1.5.4 Competent IPEA

Each RO shall, in accordance with the applicable agreement between the IPEA and IB ([→ § 1.6.1 \(4\)](#)), specify one or more IPEA(s) competent for the preliminary examination. These are called competent IPEAs. Each RO informs the IB of the specified competent IPEAs, and the IB publishes such information¹ [A32(2), R59.1(a)].

The provisions for the competent ISA shall apply *mutatis mutandis* to the competent IPEA ([→ § 1.5.2](#)).

1.5.5 Translation for the Purpose of International Preliminary Examination

(1) Furnishing and transmitting a translation

Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant shall furnish, with the IPEA, a translation of the international application into a language which is accepted the IPEA [R55.2(a)]. However, where the IPEA is the same Office as the ISA, the applicant does not need to furnish to the IPEA a translation, as long as the applicant has furnished a translation of the international application for the searching and the translation has been transmitted by the RO to ISA [R23.1(b)]. In this case, unless the applicant furnishes to the IPEA a translation of the international application [R55.2(a)], the international preliminary examination shall be carried out on the basis of the

¹ For information on competent IPEAs of each RO, see the PCT Applicant's Guide, International Phase, Annex C.
<http://www.wipo.int/pct/en/appguide/>

translation transmitted by the RO to the ISA [R55.2(b)].

(2) Where the translation is furnished or transmitted to the IPEA

In general, the IPER shall be in the language in which the international application to which it relates is to be published ([→ § 1.11.2](#)). However, if the international preliminary examination is to be carried out on the basis of the translation of the international application [R55.2], the IPER shall be in the language of that translation [R70.17] ([→ § 1.12.4 \(3\)](#)).

A letter or document furnished by the applicant to the IPEA shall, except an amendment (a replacement sheet and an accompanying letter), be in the same language as the international application to which it relates. However, where a translation of the international application is required in the international preliminary examination [R55.2], the language of such translation shall be used [R92.2(a)].

1.5.6 Competence of the JPO

(1) Competence of the RO/JP

The competence of the JPO as an RO (RO/JP) is explained below (See Table 1-3).

Table 1-3 Competence of the RO/JP

Nationality or Residence of the Applicant (at least one of the applicants)	Japan
Language in which the international application accepted by the RO/JP is filed	Japanese English
Competent ISAs of the RO/JP	JPO EPO (only in the case where the language in which the international application is filed is English) IPOS (only in the case where the language in which the international application is filed is English) IPO (only in the case where the language in which the international application is filed is English)
Competent IPEAs of the RO/JP	JPO (only in the case where the JPO carries out the international search) EPO (only in the case where the EPO carries out the international search) IPOS (only in the case where the IPOS carries out the international search) IPO

(As of June 1, 2022)

a. Residence and nationality of the applicant

An international application may be filed with the RO/JP only in the case where at least one of the applicants is a resident or national of Japan.

b. Acceptable languages in which the international application is filed

The languages accepted by RO/JP are Japanese and English. These languages are accepted by the JPO as an ISA (ISA/JP) and languages of publication ([→ § 1.11.2](#)).

c. Competent ISA

The ISAs competent for the searching of the international applications filed with the RO/JP are the JPO, the EPO, the IPOS and the IPO. However, the only language which the EPO, the IPOS and the IPO, respectively, accepts as a competent ISA is English.

d. Competent IPEA

The IPEAs competent for the international preliminary examinations of the international applications filed with the RO/JP are the JPO, the EPO, the IPOS and the IPO. However, the JPO is competent as an IPEA only in the case where the JPO has carried out the international search in respect of the international application. Similarly, the EPO or the IPOS is competent as an IPEA only in the case where the EPO or the IPOS, respectively, has carried out the international search in respect of the international application.

(2) Cases where the JPO is a competent ISA

The competence of the ISA/JP is prescribed by the agreement between the JPO and the IB (Article 3 and Annex A) ([→ § 1.6.1 \(4\)](#)). For example, when an international application is filed with any of the ROs listed in the column (i) of Table 1-4, the international application is in any of the languages listed in the column (ii), and the international application or its translation is in any of the languages listed in the column (iii), the JPO is a competent ISA for the international application.

Table 1-4 Cases where the JPO is a competent ISA

(i)		(ii)	(iii)	(iv)
The RO or Contracting State whose competent ISAs include the JPO		Language(s) accepted by the RO in the column (i)	Language(s) which the JPO accepts as a competent ISA	Language(s) for which the JPO is to carry out the international search
Japan	JP	Japanese, English		Japanese, English
Republic of Korea	KR	Korean English, Japanese	Japanese only	Japanese
Philippines	PH	Filipino, English	English only	English
Thailand	TH	Thai, English	English only	English
Viet Nam	VN	English	English only	English
Singapore	SG	Chinese, English	English only	English
Malaysia	MY	English	English only	English
Indonesia	ID	English	English only	English
United States of America	US	English	English only	English
Brunei	BN	English	English only	English
Cambodia	KH	Khmer, English	English only	English
India	IN	Hindi, English	English only	English
Saudi Arabia	SA	Arabic, English	English only	English
Uruguay	UY	Spanish	English only	English
Lao ¹	LA	—	—	Japanese, English
International Bureau → § 1.5.2 (2)	IB	Any language	Depending on the residence and nationality of the applicant ²	Japanese English

(As of March 1, 2025)

(3) Cases where the JPO is a competent IPEA

The competence of the IPEA/JP is prescribed by the agreement between the JPO and the IB (Article 3 and Annex A) ([→ § 1.6.1\(4\)](#)). The JPO is a competent IPEA only

¹ Since Lao does not have its national Office acting as an RO, the JPO is a competent ISA and IPEA for international applications filed with the IB, by nationals or residents of that State.

² Applicants who meet the filing requirements for the countries in the table 1-4 may file an application with the IB and select the JPO as ISA. However, the language which the JPO accepts as a competent ISA will be Japanese or English for applicants who meet the requirements for filing with countries other than Korea in the table 1-4, and Japanese only for applicants who meet the requirements for filing with Korea.

in the case where the JPO has carried out the international search in respect of the international application.

1.6 Treaty and the National Laws, etc. concerning the PCT System

The provisions for the PCT system are prescribed in the Patent Cooperation Treaty, the Regulations under the PCT and the PCT Administrative Instructions. Also, there are the agreements between the ISAs and IPEAs and the IB.

The outline of the Treaty and the national laws, etc. concerning the PCT system is explained below.

1.6.1 Treaty, Regulations and Guidelines, etc. for the PCT System

(1) Patent Cooperation Treaty (PCT)

The PCT provides mainly for the procedure for the international phase of international applications and the procedure for their entry into the national phase. The procedure of each Contracting State after the applications enter into the national phase is based on the provisions of the national laws of that Contracting State ([→ § 1.6.2 \(2\)](#)).

Under the PCT, the Regulations and the Administrative Instructions are established.

(2) Regulations under the PCT

The Regulations under the PCT provide Rules [A58(1)]:

- (i) concerning matters in respect of which the Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,
- (ii) concerning any administrative requirements, matters, or procedures,
- (iii) concerning any details useful in the implementation of the provisions of the Treaty.

(3) Administrative Instructions under the PCT

The Administrative Instructions under the PCT contain provisions [A58(4), R89.1(a)]:

- (i) concerning matters in respect of which the Regulations expressly refer to the Administrative Instructions,
- (ii) concerning any details in respect of the application of the Regulations.

(4) Agreement between the ISA and IPEA and the IB¹

The appointment of a national Office as an ISA and IPEA shall be conditional on the conclusion of an agreement between such Office and the IB [A16(3)(b), A32(3)].

The agreement between each of national Offices and the IB provides that, as basic obligations, such Office shall carry out international search and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement. Also, the agreement provides that, in carrying out international search and international preliminary examination, such Office shall be guided by the PCT International Search and Preliminary Examination Guidelines ([→ \(5\)](#)).

Agreement between the JPO and IB

The agreement between the JPO and the IB prescribes the basic obligations (Article 2), the competence (Article 3), the subject matter not required to be searched or examined (Article 4), the fees and charges (Article 5), the classification (Article 6) and the languages of correspondence (Article 7) in relation to the functioning of the JPO as an ISA and IPEA (ISA/JP and IPEA/JP)².

(5) PCT International Search and Preliminary Examination Guidelines

The PCT International Search and Preliminary Examination Guidelines³ are established as instructions to be followed by the ISAs and IPEAs during the international search and preliminary examination procedures. The Guidelines are established by the IB after consultation with the ISAs and IPEAs.

¹ The agreement between each Office and the IB is available on the WIPO website: “ISA and IPEA Agreements”.

http://www.wipo.int/pct/en/access/isa_ipea_agreements.html

² The agreement between the JPO and the IB is available on the WIPO website.

http://www.wipo.int/export/sites/www/pct/en/texts/agreements/ag_jp.pdf

³ The original text (in English) of the PCT International Search and Preliminary Examination Guidelines is available on the WIPO website: “Guidelines for Authorities and Offices”.

<http://www.wipo.int/pct/en/texts/gdlines.html>

(6) PCT RO Guidelines

The PCT Receiving Office Guidelines¹ are established in order to assist the ROs in carrying out the duties. The Guidelines are established by the IB after consultation with the ROs.

1.6.2 National Laws and Regulations in Japan concerning the PCT System

The national laws and regulations in Japan (the Act Concerning the International Application of the Patent Cooperation Treaty and Related Matters, the Patent Act and the Utility Model Act and others) provide for the procedures for the international phase and the national phase on the basis of the PCT, the Regulations under the PCT, the PCT Administrative Instructions and the agreement between the JPO and the IB.

(1) Act Concerning the International Application of the Patent Cooperation Treaty and Related Matters

The Act Concerning the International Application of the Patent Cooperation Treaty and Related Matters, which is commonly called “International Application Act”, prescribes the procedure by the JPO as an RO, ISA, and IPEA (RO/JP, ISA/JP and IPEA/JP) and the applicants (Japanese nationals, etc.² [IAA Article 2]) in the international phase concerning the international application filed under the PCT and the international search and international preliminary examination [IAA Article 1].

As the Cabinet Order and Ministerial Ordinance of the International Application Act, the Order for Enforcement and the Regulations under the International Application Act are established respectively.

(2) Patent Act and Utility Model Act

Chapter IX of the Patent Act and Chapter VII of the Utility Model Act provide for the special provisions concerning the international applications under the PCT (mainly

¹ The original text (in English) of the PCT Receiving Office Guidelines is available on the WIPO website:

“Guidelines for Authorities and Offices”.

<http://www.wipo.int/pct/en/texts/gdlines.html>

² Article 21 of the International Application Act provides that any provision in the Act shall not preclude the JPO from acting as the RO, ISA or IPEA for any person other than persons subject to the Act (Japanese nationals, etc. [IAA Article 2]).

the procedures for the entry into the national phase).

An international application to which the international filing date is accorded and which specifies Japan as a designated State shall be deemed to be a patent application or application for utility model registration filed on the said international application date [Article 184*ter*(1) of the Patent Act and Article 48*ter*(1) of the Utility Model Act] and the Patent Act or the Utility Model Act is applied to that application.

Also, the Order for Enforcement and the Regulations under the Patent Act and the Utility Model Act and others provide for the special provisions concerning the international applications under the PCT.

1.7 Whole Picture of the Procedures for the International Application

A whole picture of the typical procedures for the international application (with priority claim) is shown in Fig. 1-6. Each Procedure is explained below.

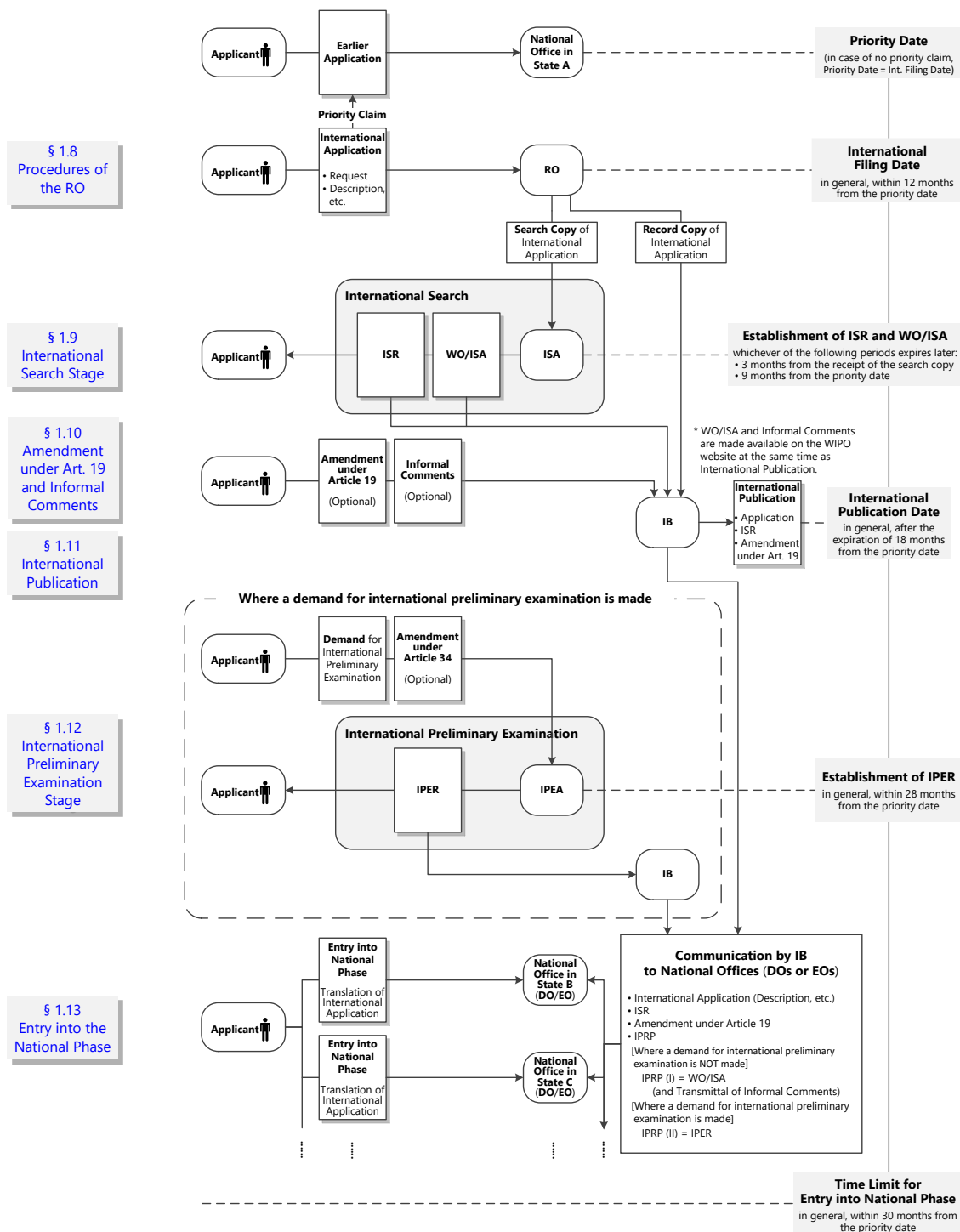


Fig. 1-6 Whole picture of the procedures for the international application

1.8 Procedures of the RO

The applicant shall file an international application with an RO [A10]. As the main procedures, the RO which has received the international application shall check and process formality requirements, confirm whether the fees have been paid, and transmit the international application to the IB and the ISA.

The outline of the procedures of the RO is explained below.

1.8.1 Checking of Formality Requirements

Any RO which has received an international application shall check and process the formality requirements [A10]. They comprise the requirements for identifying the international filing date and other formality requirements.

(1) Requirements for identifying the international filing date

Any international application fulfilling the requirements for identifying international filing date shall have the effect of a regular national application in each designated State as of the identified international filing date, which date shall be considered to be the actual filing date in each designated State [A11(3)]. Therefore, satisfying the requirements for identifying the international filing date is essential for the international applications.

(2) Other formality requirements

Any RO shall check whether the international application contains any of the prescribed defects [A14(1)(a)]. If the RO finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the RO shall so declare [A14(1)(b)].

1.8.2 Confirming the Payment of Fees

Any RO shall confirm whether the fees have been paid [A14(3)]. The fees include the transmittal fee for the benefit of the RO [R14], the international filing fee for the benefit of the IB [R15], and the search fee for the benefit of the ISA [R16] ([→ Table 1-5](#)).

Where, the RO finds that no fees were paid to it within the prescribed time limits, it shall invite the applicant to pay to it the amount required to cover those fees within a time limit of one month from the date of the invitation [R16bis.1(a)]. If the applicant fails to pay the fees in response to the invitation, the international application shall be considered withdrawn and the RO shall so declare [A14(3)(a), R16bis.1(c)].

Table 1-5 Main fees relating to the international application

Fee	Purpose of Fee	Collected by	Time limit for Payment
International Filing Fee	Fee for the benefit of the IB [R15]	RO [R15.1, R15.3, R14.1(a), R16.1(b)]	Within one month from the date of receipt of the international application [R15.3, R14.1(c), R16.1(f)]
Transmittal Fee	Fee for the benefit of the RO [R14]		
Search Fee	Fee for the benefit of the ISA [R16]		
Additional Fee (International Search)	Fee which the ISA invites the applicant to pay if the ISA considers that the international application does not comply with the requirement of unity of invention [A17(3)(a)]	ISA [R40.2(b)]	Within one month from the date of the invitation [R40.1(ii)]
Handling Fee	Fee for the benefit of the IB for the purposes of the international preliminary examination [R57]	IPEA [R57.1, R58.1(c)]	In general, within one month from the date on which the demand was submitted or 22 months from the priority date, whichever expires later [R57.3(a), R58.1(b)]
Preliminary Examination Fee	Fee for the benefit of the IPEA [R58]		
Additional Fee (International Preliminary Examination)	Fee which the IPEA invites the applicant to pay if the IPEA considers that the international application does not comply with the requirement of unity of invention [A34(3)(a)]	IPEA [R68.3(b)]	Within one month from the date of the invitation [R68.2(iii)]

1.8.3 Transmitting the International Applications to the IB and the ISA

(1) Record copy

If the international application fulfills the requirements of according the international filing date, the RO shall transmit the record copy, which is one copy of the international application, to the IB promptly after receipt of the international application

[A12(1), R22.1(a)]. In any case, the RO shall transmit the record copy to the IB in time for it to reach the IB by the expiration of the 13th month from the priority date [R22.1(a)].

The record copy shall be considered the true copy of the international application [A12(2)]. The IB shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy [R93.2(a)].

(2) Search copy

The RO shall transmit the search copy, which is one copy of the international application, to the ISA [A12(1)].

The search copy shall be transmitted to the ISA by the RO at the latest on the same day as the record copy is transmitted to the IB unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee [R23.1].

(3) Home copy

The home copy, which is one copy of the international application, shall be kept by the RO [A12(1)].

Each RO shall keep the records relating to each international application, including the home copy, for at least 10 years from the international filing date [R93.1].

1.9 International Search Stage

Any ISA that has received the search copy of the international application from the RO shall carry out the international search and establish the ISR and WO/ISA and transmit them to the applicant and to the IB.

The procedures for the international search are called “the international search stage”, separated from the procedures for the international preliminary examination. The outline of the international search stage is explained below.

In addition, the details about international search works carried out by the ISA will be explained in Chapter 2.

1.9.1 Establishing the ISR and WO/ISA

(1) Contents

The ISA shall carry out the international search with the objective of discovering the relevant prior art capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step [A15(2), R33.1(a)], and establish the ISR¹ [A18(1)]. The ISR shall contain the citations of the documents considered to be relevant [R43.5(a)].

The ISA shall, at the same time as it establishes the ISR, establish the WO/ISA as to whether the claimed invention appears to be novel, to involve an inventive step, and to be industrially applicable, and other requirements [R43*bis*.1(a)].

(2) Language

In general, the ISR and WO/ISA are in the language in which the international application to which it relates is to be published ([→ § 1.11.2](#)). However, if a translation of the international application has been transmitted by the RO to the ISA ([→ § 1.5.3](#)), the ISR and WO/ISA may be in the language of that translation [R43.4, R43*bis*.1(b)].

¹ Where the all claims are excluded from the international search ([→ § 2.3.5](#)), the ISA establishes ISA/203 (decision not establishing the ISR), instead of the ISR [A17(2)(a)]. Even in this case, the ISA establishes the WO/ISA [R43*bis*.1(a)].

(3) Time limit

The time limit for establishing the ISR and WO/ISA shall be whichever of the following periods expires later [R42.1, R43*bis*.1(a)]:

- (i) three months from the receipt of the search copy by the ISA; or
- (ii) nine months from the priority date.

As the RO shall transmit the search copy in time for it to reach the ISA by the expiration of the 13 months from the priority date [R22.1(a)], the ISR and WO/ISA shall be established by the expiration of the 16 months from the priority date, in general.

The ISR and WO/ISA shall, as soon as they have been established, be transmitted to the applicant and the IB [A18(2), R44.1].

1.9.2 Use of the ISR and the WO/ISA

(1) Use by the applicant

The applicant who has received the ISR and WO/ISA as the result of the international search considers whether the international application proceeds with the subsequent procedures. For example, there are the following options.

- (i) On Completion of the international phase, the international application enters the national phase in each designated State ([→ § 1.13](#)).
 - In the international phase, the applicant may amend the claims under Article 19 or submit an informal comment ([→ § 1.10](#)).
 - After entering the national phase in each designated State, the applicant may amend the description, the claims or the drawings within the prescribed time limit ([→ § 1.13.1 \(2\)](#)).
- (ii) A demand for international preliminary examination is made ([→ § 1.12](#)).
 - In this case, the applicant may amend the description, the claims or the drawings under Article 34 or submit a reply ([→ § 1.12.2](#)).
- (iii) The international application does not proceed in the national phase, as a result of the international search that the possibility of obtaining a patent right is low.

(2) Use by the designated Office

The ISR and WO/ISA transmitted to the IB shall be communicated to the DO ([→ § 1.13.2](#)). They are used for reference to the examination carried out by the DO.

With regard to the WO/ISA, unless the IPER has been or is to be established, the “International Preliminary Report on Patentability (Chapter I of the Patent Cooperation Treaty)” (IPRP (I)) issued by the IB, which has the same content as the WO/ISA, shall be communicated to the DO ([→ § 1.13.2 \(3\) a.](#)).

(3) Use by third parties

Any ISR is published together with the international application as the international publication ([→ § 1.11.3](#)).

Although the WO/ISA is not published as the international publication, it is made available for third parties on the WIPO website at the same time as the international publication of the ISR ([→ § 1.11.5](#)).

1.10 Amendment under Article 19 and Informal Comments

Where a negative opinion on patentability has been received from the ISA as a result of the international search, the applicant may amend the claims (amendment under Article 19) or submit informal comments to rebut the WO/ISA, or both, before the international application enters the national phase in each designated State, that is to say, during the international phase.

The outline of the amendment under Article 19 and informal comments is explained below.

1.10.1 Amendment under Article 19

The applicant shall, after having received the ISR¹, be entitled to one opportunity to amend the claims of the international application within the prescribed time limit ([→ \(2\)](#)) [A19(1)]. This amendment is generally called “amendment under Article 19”, as it is provided in PCT Article 19. The outline of the amendment under Article 34 after filing a demand for international preliminary examination, and the main differences between the amendment under Article 19 and the amendment under Article 34 will be explained later ([→ § 1.12.2 \(1\)](#)).

(1) Subjects of the amendment under Article 19

Only the claims may be amended under Article 19. Unlike the amendment under Article 34, the description or the drawings may not be amended under Article 19.

The amendment shall not go beyond the disclosure in the international application as filed [A19(2)].

(2) Where and when to submit the amendment under Article 19

The amendment under Article 19 shall be filed with the IB [A19(1), R46.2]. The time limit for the amendment under Article 19 shall be whichever of the following periods expires later [R46.1]:

¹ Where the ISA has not established the ISR, the applicant may not make the amendment under Article 19 [A19(1)].

- (i) two months from the date of transmittal of the ISR to the IB and to the applicant by the ISA; or
- (ii) 16 months from the priority date.

However, any amendment under Article 19 which is received by the IB after the expiration of the applicable time limit shall be considered to have been received by the IB on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed [R46.1].

(3) Form of the amendment under Article 19

a. Replacement sheet

The applicant, when making amendments under Article 19, shall be required to submit a replacement sheet or sheets containing a complete set of claims in replacement of all the claims originally filed [R46.5(a)].

The IB shall mark, in the upper right-hand corner of each replacement sheet submitted as an amendment under Article 19, the international application number, the date on which that sheet was received and, in the middle of the bottom margin, the words “AMENDED SHEET (ARTICLE 19)” [S417(b)].

b. Letter

The replacement sheet or sheets shall be accompanied by a letter which [R46.5(b)]:

- (i) shall identify the claims which, on account of the amendments, differ from the claims originally filed, and shall draw attention to the differences between the claims originally filed and the claims as amended; and
- (ii) shall indicate the basis for the amendments in the international application originally filed.

(4) Statement of the amendment under Article 19

The applicant may, at the same time as making amendments under Article 19, file a brief statement, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings [A19(1)].

In the statement, reference to citations, relevant to a given claim, contained in the ISR may be made only in connection with an amendment of that claim [R46.4(b)].

The statement shall not exceed 500 words if in the English language or if translated into that language [R46.4(a)]. The statement shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement [R46.4(a)].

(5) Language of the amendment under Article 19 and its statement

The replacement sheets of the amendment under Article 19 and the statement shall be in the language in which the international application is published [R46.3, R46.4(a)].

(6) Publication of the amendment under Article 19 and its communication to the DOs

The amendment under Article 19 and its statement shall be published together with the international application and the ISR ([→ § 1.11.3](#)).

In addition, the amendment under Article 19 and its statement shall be communicated to the DOs together with the international application and the ISR ([→ § 1.13.2 \(1\)](#)).

1.10.2 Informal Comments

In the event that the international preliminary examination is not requested, the applicant may submit comments to the IB to rebut the WO/ISA during the international phase. This is called “informal comments”, as no special provisions are included in the PCT or the Regulations providing for the applicant to comment on the WO/ISA¹.

(1) Where to submit the informal comments and the time limit

The informal comments are submitted to the IB. There is no provisions providing the time limit for submitting the informal comments. However, the IB recommends that the applicants transmit them before the expiration of 28 months from the priority date so that they will be transmitted together with the IPRP (I) to the DO ([→ \(3\)](#)).

¹ Information on the informal comments is available on the WIPO website. “PCT Newsletter”, No.10/2004 (See particularly, “Practical Advice” (pp. 7-8)).
http://www.wipo.int/edocs/pctndocs/en/2004/pct_news_2004_10.pdf

(2) Form of the informal comments

There are no provisions for the form and language used for submitting the informal comments. However, the informal comments should be clearly marked as “Informal Comments” so that they are identified by the IB that receives them. If the informal comments are filed at the same time as the amendment under Article 19, the sheets for the amendment under Article 19 and for the informal comments must be submitted on separate pages, since the informal comments will not be published as the international publication, which is different from the amendment under Article 19.

(3) Transmittal of the informal comments to the DOs

The informal comments are transmitted to the DO together with the IPRP (I) ([→ § 1.13.2 \(3\) a. \(d\)](#)). Where a demand for international preliminary examination is made after submitting the informal comments, they are neither transmitted to the IPEA nor the EO.

Each DO decides at its discretion whether and to what extent to take the informal comments into account.

Taking the informal comments into account before the JPO as DO (DO/JP)

Where the informal comments are submitted in Japanese, the JPO as DO (DO/JP) takes them into account as reference for examination, in the same way as the written statements.

Where the informal comments are submitted in foreign languages and their translations in Japanese are submitted in the form of the written statements with the DO/JP, the DO/JP takes the translations into account as reference to examinations, without considering the consistency between the original informal comments and the translations.

(4) Providing the informal comments for third parties

The informal comments will be made available to third parties on the WIPO website together with the WO/ISA after the international publication ([→ § 1.11.5](#)).

1.11 International Publication

The international application shall be published as the international publication by the IB [A21(1)]. The ISR is published together with the international application. The outline of the international publication is explained below.

1.11.1 Timing of the International Publication

(1) Timing of the international publication in general

In general, the international application shall be published as the international publication by the IB promptly after the expiration of 18 months from the priority date of that application [A21(1), A21(2)(a)]. However, there shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed [A21(5)].

(2) Early publication at the request of the applicant

The applicant may ask the IB to publish the international application earlier, before the expiration of 18 months from the priority date of that application [A21(2)(b)].

Reservations with respect to the international publication by designated States

Any State may declare that, as far as it is concerned, international publication of international applications is not required [A64(3)(a)]. Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made such declarations, the international application shall not be published [A64(3)(b)]. Among the Contracting States, such State is the United States of America only¹ (as of September 1, 2015).

However, even if the designation of the international application is limited to such States, the international application shall nevertheless be published by the IB at the request of the applicant [A64(3)(c)(i)]. Moreover, when the international application enters the national phase and is published in such States, the international application

¹ Information on the declaration is available on the WIPO website:
“PCT Reservations, Declarations, Notifications and Incompatibilities”
http://www.wipo.int/pct/en/texts/reservations/res_incomp.html

shall be published by the IB promptly after such publication but not before the expiration of 18 months from the priority date [A64(3)(c)(ii)].

1.11.2 Languages of Publication

(1) Where the international application was filed in a language of publication

If the international application is filed in any of the following languages (“languages of publication”), that application shall be published in the language in which it was filed [R48.3(a)].

Languages of publication

- | | | | |
|-----------|------------|-----------|--------------|
| • Arabic | • Chinese | • English | • French |
| • German | • Japanese | • Korean | • Portuguese |
| • Russian | • Spanish | | |

(2) Where the international application was not filed in any of the languages of publication

If the international application is not filed in a language of publication and a translation for the purposes of international search [R12.3] or a translation for the purposes of international publication [R12.4] (these translations shall be in a language of publication) has been furnished by the applicant, that application shall be published in the language of that translation [R48.3(b)].

(3) Where the international application is published in a language other than English

If the international application is published in a language other than English, the ISR (or the declaration of non-establishment of the ISR has been established), the title of the invention, the abstract and any text matter pertaining to the figure accompanying the abstract shall be published both in that language and in English. The English translations, unless the translation for the purposes of international search [R12.3] furnished by the applicant is prepared in English, shall be prepared under the responsibility of the IB [A18(3), R48.3(c)].

1.11.3 Contents of the International Publication

An international publication number are assigned to each published international application [S404]. In addition, a code for the identification of different kinds of patent documents is used following the publication number. Table 1-6 shows kind-of-document codes used for international publications and their definitions. Where the international application has been published together with the ISR, the kind-of-document code A1 is used.

Table 1-6 Different kinds¹ of patent documents relating to the international publication

ST.16 Code ²	Kind of Document
A1	Publication of the international application with the ISR
A2	Publication of the international application without the ISR or with the declaration of non-establishment of the ISR)
A3	Publication of the ISR after the international publication (A2) (with a revised front page)
A4	Publication of the amendment under Article 19 (and its statement) after the international publication (with a revised front page)
A8	Publication of the international application (re-publication with corrections to bibliographical data on the front page)
A9	Publication of the international application or the ISR (re-publication with corrections, alterations or supplements)

In general, the international publication shall contain [R48.2(a)]:

- (i) A front page [R48.2(a)(i), (b)];
 - bibliographic data [R48.2(b)(i)]
 - the abstract [R48.2(b)(iii)]

¹ Examples of different kinds of patent documents published by each Office are available on the WIPO website:

“WIPO Handbook on Industrial Property Information and Documentation”, Part 7.3.2 “Inventory of kinds of patent documents listed according to the issuing industrial property office”.

<http://www.wipo.int/standards/en/>

² The standard codes for the identification of different kinds of patent documents published by each Office are prescribed by the WIPO Standard ST.16:

“Recommended Standard Code for the Identification of Different Kinds of Patent Documents”.

<http://www.wipo.int/export/sites/www/standards/en/pdf/03-16-01.pdf>

- a figure or figures accompanying the abstract (if any) [R48.2(b)(ii)]
- (ii) the description [R48.2(a)(ii)];
- (iii) the claims [R48.2(a)(iii)];

If the claims have been amended under Article 19, the publication of the international application shall contain the full text of the claims both as filed and as amended. Any statement filed under Article 19(1) shall be included as well [R48.2(f), (a)(vi)].

If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the front page of international publication shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after receipt by the IB of such amendments, the full text of the claims as amended (and their statement) will be published together with a revised front page [R48.2(h)]. In this case, the kind-of-document code A4 will be used.

- (iv) the drawings (if any) [R48.2(a)(iv)]; and
- (v) the ISR (or the declaration of non-establishment of the ISR) [R48.2(a)(v)];

If, at the time of the completion of the technical preparations for international publication, the ISR is not yet available, the front page of international publication shall contain an indication to the fact that the ISR was not available and that the ISR will be published together with a revised front page when the ISR becomes available [R48.2(g)]. In this case, the kind-of-document code A2 is used.

Where the declaration of non-establishment of the ISR has been established has been issued, the front page shall refer to that fact. In this case, the front page includes neither the abstract nor the figure accompanying the abstract [R48.2(c)] and the kind-of-document code A2 is used.

1.11.4 Effects of the International Publication

The effects of the international publication of an international application in a designated State shall be the same as those of the compulsory national publication of unexamined national applications in the designated State. If the language in which the international publication has been effected is different from the language in which

publications under the national law of the designated State are effected in that State, the national law may provide when the effects get applicable [A29].

Effects of the international publication in Japan

In Japan, the Patent Act provides that the effects of the international publication of an international application shall be the same as those of the publication of a national application (Article 184*decies* of the Patent Act), and the effects are applicable only from such time as:

- (i) in the case of an international patent application¹ filed in Japanese²,
the time of the international publication;
- (ii) in the case of an international patent application filed in a foreign language³,
the time of the national publication of the international application in Japan
(→ [Notes](#)).

Notes

National publication and Re-publication in Japan

Where an international patent application which is deemed as a patent application in Japan [Article 184*ter*(2) of the Patent Act] enters the national phase in Japan, it is published as national publication or re-publication. In principle, that national publication or re-publication is made after at the expiration of the time limit for submitting national documents (30 months from the priority date).

- **National publication of international patent applications in foreign language**

It is necessary to widely inform Japanese nationals of the contents of international patent applications in foreign language, since they are published as the international publications in foreign languages. For this purpose, where the international patent application in foreign language enters the national phase in Japan and a Japanese translation of the application has been submitted to the JPO, that translation is published as the national publication (excluding patent applications for which the gazette containing the patent has already been published) [Article 184*novies* of the Patent Act]. The national publication is made by the JPO and the title is “Kôhyô Tokkyô Kôhō” in Japanese.

¹ An international application deemed to be a patent application in Japan under Article 184*ter*(1) of the Patent Act is referred to as “international patent application” [Article 184*ter*(2) of the Patent Act].

² Article 184*sexies*(2) of the Patent Act

³ Article 184*quater*(1) of the Patent Act

- **Re-publication of a patent application in Japanese language**

International patent applications in Japanese are not published as the national publication, since they have been published as the international publications in Japanese. However, for the purpose of providing necessary technical information for prior art searches, those patent applications in Japanese that have entered the national phase in Japan are re-published as "Sai Kôhyô Tokkyo" that means re-publication of patent applications.

Although the re-publication is not a patent gazette provided in the Patent Act¹, the JPO issues the re-publication in the same way as the publication of regular national applications² and the national publication of international patent applications in foreign language, in order to improve convenience of prior art searches in Japanese.

1.11.5 Providing the WO/ISA and the Informal Comments for Third Parties

At the same time as the international publication including the ISR, the WO/ISA is made available by the IB on the WIPO website. In addition, the informal comments (→ § 1.10.2) are also made available on the WIPO website after the international publication.

The IPRP (I) and its translation into English (→ § 1.13.2 (3) a.) will be made available on the WIPO website after the communication of the IPRP (I) and its translation to the DO at the expiration of 30 months from the priority date. In other words, the translation of the WO/ISA into English will be made available to third parties at that time.

¹ Article 193 of the Patent Act

² Regular national applications in Japan are laid open in the patent gazettes [Article 64 of the Patent Act].

1.12 International Preliminary Examination Stage

An international preliminary examination shall be carried out at the request by the applicant. Whether this request is or is not made shall be at the discretion of the applicant. After filing the demand for international preliminary examination, the applicant may make an amendment under Article 34 and submit a written reply during the international phase.

The IPEA shall be responsible for carrying out the international preliminary examination. The IPEA establishes the IPER and transmit it to the applicant and to the IB.

The procedures for the international preliminary examination are called “International Preliminary Examination Stage”, separated from the procedures for the international search. The outline of the international preliminary examination stage is explained below.

In addition, the details about the international preliminary examination works carried out by the IPEA will be explained in Chapter 3.

1.12.1 Demand for International Preliminary Examination

On the demand of the applicant, the international application shall be the subject of an international preliminary examination [A31(1)].

As a typical example that the applicant files a demand for international preliminary examination, there is a case where the applicant, after having received a negative determination on patentability as a result of the international search, desires to receive a positive opinion during the international phase and then enter the national phase in each elected State.

The demand shall be submitted to the IPEA [A31(6)]. The demand may be made at any time prior to the expiration of whichever of the following periods that expires later [R54*bis*.1(a)]:

- (i) three months from the date of transmittal to the applicant of the ISR and WO/ISA; or
- (ii) 22 months from the priority date.

Any demand made after the expiration of the above-mentioned time limit shall be considered as if it had not been submitted and the IPEA shall so declare [R54*bis*.1(b)].

1.12.2 Amendment under Article 34 and Written Reply

During the international preliminary examination, the applicant may make amendments under Article 34 and submit a written reply to a WO/IPEA. The outline of amendments under Article 34 and written replies is explained below.

(1) Amendments under Article 34

During the international preliminary examination, the applicant may amend the claims, the description or the drawings [A34(2)(b)]. This amendment is generally called “amendment under Article 34”, as it is provided in PCT Article 34. Table 1-7 shows the main differences between amendments under Article 19 ([→ § 1.10.1](#)) and under Article 34.

Table 1-7 Main differences between amendments under Article 19 and under Article 34

Comparison Item	Amendment under Article 19	Amendment under Article 34
Subjects of Amendment	Claims	Claims, Description and Drawings
Where to Submit	IB	IPEA
Period for Amendment	Whichever of the following periods expires later: <ul style="list-style-type: none"> • two months from the date of transmittal of the ISR; or • 16 months from the priority date 	At the time of filing the demand for the international preliminary examination or until the IPER is established
Opportunity to amend	Only one opportunity	Without restrictions

a. Subjects of the amendments under Article 34

The claims, the description or the drawings may be amended under Article 34 [A34(2)(b)]. On the other hand, only the claims may be amended under Article 19 and this is a difference between the amendments under Article 34 and under Article 19.

The amendment shall not go beyond the disclosure in the international application as filed [A34(2)(b), GL A4.05[1]].

b. Where and when to submit the amendments under Article 34

Any amendments under Article 34 shall be submitted to the IPEA. The applicant may submit amendments under Article 34 at the time of filing the demand for the international preliminary examination or until the IPER is established [A34(2)(b), R66.1(b)]. However, amendments need not be taken into account by the IPEA for the purposes of the WO/IPEA or the IPER if the amendments are received by the IPEA after it has begun to draw up the WO/IPEA or the IPER [R66.4*bis*].

c. Form of the amendment under Article 34

(a) Replacement sheet

The applicant, when making amendments under Article 34, shall be required to submit a replacement sheet which, on account of an amendment, differs from the sheet previously filed [R66.8(a)]. However, when amending the claims, the applicant shall be required to submit a replacement sheet or sheets containing a complete set of claims after amendment in replacement of all the claims originally filed or previously amended [R66.8(c), R46.5(a)].

The IPEA shall, when it has received amendments under Article 34, mark the international application number and date of receipt in the upper right-hand corner of each replacement sheet, and in the middle of the bottom margin of each replacement sheet, the words “AMENDED SHEET” or their equivalent in the language of the demand [S602(a)(ii)].

(b) Letter

The replacement sheet or sheets shall be accompanied by a letter which [R66.8(a), (c), R46.5(b)]:

- (i) shall draw attention to the differences between the replaced sheets and the replacement sheets; and
- (ii) shall indicate the basis for the amendment in the application as filed.

d. Language of the amendment under Article 34

If the international application has been filed in a language other than the language in which it is published, any amendment under Article 34 (the replacement sheets and the letter) shall be submitted in the language of publication [R55.3(a)].

Where a translation of the international application is required for the international preliminary examination ([→ § 1.5.5 \(1\)](#)), any amendment under Article 34 shall be submitted in the language of that translation [R55.3(b)].

(2) Written reply

The applicant may submit a written reply to respond to the WO/IPEA ([→ § 1.12.3](#)) [A34(2)(d)].

Since, in general, the WO/ISA shall be considered to be the WO/IPEA ([→ § 1.12.3](#)), the applicant may submit a written reply to respond to the WO/ISA, which is often submitted to the IPEA together with a demand for international preliminary examination.

1.12.3 WO/IPEA

The IPEA shall notify the applicant of at least one WO/IPEA unless the IPEA considers that there is no negative opinion on the inventions described in the claims in respect of novelty, inventive step and industrially applicable, and that the inventions satisfy other requirements [A34(2)(c), R66.2].

However, in general¹, the WO/ISA shall be considered to be the WO/IPEA [R66.1*bis*.(a)]. Therefore, the WO/IPEA is not necessarily established.

The notification of the WO/IPEA shall invite the applicant to submit a written reply together, where appropriate, with amendments, and shall fix a time limit for the reply [R66.2(c), (d)].

1.12.4 Establishing the IPER

(1) Contents

The IPEA shall carry out the international preliminary examination [A32(1)] and establish the IPER [A35(1)]. The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step, and to be

¹ The IPEA may notify the IB that the WO/ISA established by a specific ISA is not considered to be the WO/IPEA. However, such a notification shall not apply to the cases where the national Office that acted as ISA and established the WO/ISA is also acting as IPEA [R66.1*bis*.2(b)].

industrially applicable [A33(1)]. The IPER shall state, in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step and industrial applicability, as well as other requirements [A35(2)].

(2) Documents annexed to the IPER

The replacement sheets containing amendments and the letters shall be annexed to the IPER [A36(1), R70.16].

Where amendments have been made twice or more times, the replacement sheet which has been superseded by a later replacement sheet shall not be annexed to the IPER, but the latest replacement sheet shall be annexed. However, when the IPEA considers the latest amendment introduces a new matter, the replacement sheet superseded by the replacement sheet containing this amendment shall also be annexed to the IPER together [R70.16(b)]. The IPEA shall mark, in the middle of the bottom margin of each superseded replacement sheet and of each letter relating to the superseded replacement sheet, the words “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))” and the words “ACCOMPANYING LETTER (RULE 70.16(b))” respectively [S602(a)(iv)], and they are annexed to the IPER.

(3) Language

The IPER shall be in the language in which the international application is published ([→ § 1.11.2](#)), or, if the international preliminary examination is carried out on the basis of a translation of the international application ([→ § 1.5.5](#)), in the language of that translation [R70.17].

(4) Time Limit for the international preliminary examination

The time limit for establishing the IPER shall be whichever of the following periods expires last [R69.2]:

- (i) 28 months from the priority date; or
- (ii) six months from the time for the start of the international preliminary examination [R69.1]; or
- (iii) six months from the date of receipt by the IPEA of the translation furnished by the applicant ([→ § 1.5.5](#)).

The IPEA shall transmit the IPER to the applicant and the IB [A36(1), R71.1].

1.12.5 Using the IPER

(1) Use by the applicants

The applicant who has received the IPER as the result of the international preliminary examination considers whether the international application proceeds with the subsequent procedures. For example, there are the following options.

- (i) On Completion of the international phase, the international application enters the national phase in each elected State ([→ § 1.13](#)).
 - After entering the national phase in each elected State, the applicant may amend the description, the claims or the drawings within the prescribed time limit ([→ § 1.13.1 \(2\)](#)).
- (ii) The international application does not proceed in the national phase, as a result of the international preliminary examination that the possibility of obtaining a patent right is low.

(2) Use by the EO

The IPER transmitted to the IB shall be communicated to the EO ([→ § 1.13.2 \(3\) b.](#)). It is used for reference to the examination carried out by the EO.

(3) Use by third parties

Where the elected States of the international applications include any State or intergovernmental organization that requests the IB to provide, on behalf of the EO, the IPER to third parties, the IPER is made available for third parties on the WIPO website by the IB after the communication of the IPER to the EO by the IB at the expiration of 30 months from the priority date ([→ § 1.13.2 \(3\) b.](#)). [→ Notes](#)

Notes

Publicizing the IPER on the WIPO website

Neither the IB nor the IPEA shall, unless requested or authorized by the applicant, allow access [A30(4)] to the file of the international preliminary examination by any person or authority at any time, except by the EO once the IPER has been established [A38(1)]. In other words, after the IPER has been established, the EO to which the IPER is communicated does not bear the obligation of confidentiality concerning the international preliminary examination, although the IB and the IPEA still have the obligation.

If the national law applicable by any EO allows access by third parties to the file of a

national application, that Office may allow access to any documents relating to the international application, including any document relating to the international preliminary examination, contained in its file, to the same extent as provided by the national law for access to the file of a national application [R94.3]. Furthermore, the IB shall, if so requested by an EO¹, furnish copies of the IPER on behalf of that Office [R94.1(c)]. The IB furnishes the copies by publicizing it on the WIPO website.

Accordingly, where the elected States of the international application include any State or intergovernmental organization that requests the IB to provide, on behalf of the EO, the IPER to third parties, the IPER is made available for third parties on the WIPO website after the communication of the IPER to the EO by the IB at the expiration of 30 months from the priority date.

¹ The IB publishes a list of the States and the intergovernmental organizations that have made such request. Japan is one of the States which have made such request. The list is available on the WIPO website:

“States and Organizations which have requested the IB under Rule 94.1(c) to furnish to third parties copies of the IPER on their behalf”.

http://www.wipo.int/pct/en/texts/access_iper.html

1.13 Entry into the National Phase

In order to obtain a patent in each Contracting State, it is necessary for the applicant to enter the national phase in that State within a prescribed time limit.

Based on the result of the international search or international preliminary examination carried out in the international phase, the applicant determines whether to enter the national phase, and if so determines, take the procedures with a Contracting State which the applicant needs to obtain a patent within a prescribed time limit.

Once the application enters the national phase, its patentability is examined by the DO or EO, which is the national Office in the designated or elected State. The result of the international search or the international preliminary examination communicated by the IB will be used for reference to the examination by the DO or EO.

The outline of the procedures for entering the national phase is explained below.

1.13.1 Procedures for Entering the National Phase

(1) Time limit

The applicant needs to take the procedures for entering the national phase (submission of a translation of the international application, etc.) with each DO or EO, in principle, not later than at the expiration of 30 months from the priority date¹ [A22(1), A39(1)(a)]. However, any national law of each designated or elected State may fix time limits for entering the national phase which expire later than the expiration of 30 months from the priority date² [A22(3), A39(1)(b)].

If the applicant fails to take the procedures for entering the national phase in a designated or elected State within the prescribed time limit, the effect of the international application (an international application shall be considered to be a regular

¹ There are some Contracting States to which the transitional measures are applied due to the incompatibility between Article 22(1) of the PCT and the national law in those States. Where a demand for international preliminary examination is not filed, the time limit for entry into the national phase in those States is earlier than 30 months from the priority date. Information on those States is available on the WIPO website:

“PCT Reservations, Declarations, Notifications and Incompatibilities”.

http://www.wipo.int/pct/en/texts/reservations/res_incomp.html

² For example, the time limit for entry into the regional phase before the European Patent Organization (EP) is 31 months [EPC Rule 159(1)]. Information on time limits for entering the national phase in each State is available on the WIPO website:

“Time Limits for Entering National/Regional Phase under PCT Chapters I and II”.

http://www.wipo.int/pct/en/texts/time_limits.html

national application in each designated or elected State as of the international filing date) [A11(3)] shall cease in the designated or elected State with the same consequences as the withdrawal of any national application in that State [A24(1)(iii), A39(2)].

Time limit for entering the national phase in Japan

(i) Submission of national documents

The applicant of an international application deemed to be a patent application in Japan [Article 184*ter*(2) of the Patent Act] shall submit the national documents stating bibliographic data of the international patent application to the Commissioner of the JPO, within 30 months from the priority date (hereinafter, referred to as the “time limit for the submission of national documents” [Article 184*quater*(1) of the Patent Act]) [Article 184*quinquies*(1) of the Patent Act].

(ii) Submission of translations of the description, etc. filed on the international filing date

Japanese translations of an international patent application filed in a foreign language shall be submitted, in principle, within the time limit for the submission of the national documents. However, there is a special provision that, where the applicant submitted the national documents during the period from two months before the expiration date of the time limit for the submission of national documents to the expiry date thereof, the applicant may submit the said translations within two months from the date of submission of national documents (hereinafter, referred to as the “special time limit for the submission of translations”) [Article 184*quater*(1) of the Patent Act]. For example, where the applicant submits the national documents on the expiry date of the time limit for the submission of national documents, the time limit for the submission of translations is extended to 32 months from the priority date.

(2) Amendment at the time of entry into the national phase

The applicant shall be given the opportunity to amend the claims, the description, and the drawings, within the prescribed time limit for at the time of entry into the national phase in each designated or elected State¹ [A28, R52.1, A41, R78.1].

The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated or elected State permits them to go beyond the said disclosure [A28(2), A41(2)].

1.13.2 Communication from the IB to the DOs or EOs

The IB communicates the international application and other documents to the DOs or EOs (See Table 1-8). The communication of each document is explained below.

Table 1-8 Documents communicated by the IB to the DOs or EOs

Communication to the DOs	Communication to the EOs	Timing of Communication
International application (→ (1)) ISR (and its English translation) (→ (1)) Amendment under Article 19 (and its statement) (→ (1))		In general, after the international publication
Priority document ² (→ (2))		
IPRP (I) (and its English translation) (→ (3) a.)	IPRP (II) and the annexes (and its English translation, except the annexes) (→ (3) b.)	In general, after the expiration of 30 months from the priority date
Informal comments ³ (→ (3) a. (d))		

¹ Where an international application enters the national phase in Japan, the period for amendments before the JPO is, in general, the same as that of regular national applications [R52.1(b), R78.1(b)]. However, there is a special provision relating to the start of the period [Article 184*duodecies* of the Patent Act].

² The priority document is furnished by the IB to the DOs or EOs, although this furnishment is not included in the communication under PCT Article 20.

³ The informal comments are transmitted by the IB to the DOs, although this transmittal is not included in the communication under PCT Article 20.

(1) Communication of the international application, ISR and the amendment under Article 19

The IB shall communicate the international application together with the ISR (or the declaration of non-establishment of the ISR has been established) to the DOs [A20(1)(a), R47.1].

If the claims have been amended under Article 19, in addition to the full text of the claims as originally filed, the full text of the claims as amended and the statement for the amendment, if any, shall be communicated [A20(2)].

The said provisions for the communication to the DOs shall be applied *mutatis mutandis* to the communication to the EOs [R76.5].

a. Language of the international application communicated

The international application communicated shall be in the language in which it is published [R47.3(a)]. In other words, the IB communicates the published international application.

Where the language in which the international application is published is different from the language in which it was filed, the IB shall furnish to any DO, upon the request of the DO, a copy of that application in the language in which it was filed [R47.3(b)].

b. Communication of the English translation of the ISR

The ISR shall, when not in English, be translated into English by or under the responsibility of the IB [A18(3), R45.1]. The ISR and its translation shall be communicated upon request by the DO [A20(1)(b), R47.1(d)].

c. Timing of the communication

The communication shall be effected only upon request by the DO [R93bis.2.1]. The communication shall not be effected prior to the international publication of the international application [R47.1(a)]. However, where the applicant makes an express request to a DO to process or examine the international application prior to the international publication [A23(2), A40(2)], the IB shall, upon request of the applicant or the DO, promptly effect the communication to that Office [R47.4, R76.5(v), R61.2(d)].

Any amendment under Article 19 received by the IB within the time limit ([→ § 1.10.1 \(2\)](#)) which was not included in the communication shall be communicated promptly to the DOs by the IB, and the IB shall notify the applicant accordingly [R47.1(b)].

(2) Furnishment of the priority document

The IB shall, at the specific request of the DO, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office [R17.2(a)]. Where the applicant makes an express request to the DO to process or examine the international application prior to the international publication [A23(2)], the IB shall, at the specific request of the DO, furnish a copy of the priority document to that Office promptly after receiving it [R17.2(a)].

(3) Communication of the international preliminary report on patentability (IPRP)

The international preliminary report on patentability (IPRP) shall be communicated to the DO or EO by the IB. Depending on whether a demand for international preliminary examination has been filed or not, the IPRP (I) or IPRP (II) shall be communicated to the DO or EO. The comparison between the IPRP (I) and IPRP (II) is shown in Table 1-9.

The communication of the IPRP is explained below, by dividing it into the communication to the DOs and EOs.

Table 1-9 Comparison between the IPRP (I) and IPRP (II)

Comparison Item	IPRP (I)	IPRP (II)
Contents	Front page (Form PCT/IB/373) and WO/ISA	IPER
Annexes	No annexes	Amendment (the replacement sheets and the letter)
Condition of Establishment	Where a demand for international preliminary examination has not been filed	Where a demand for international preliminary examination has been filed
Established by	IB (Written Opinion: ISA)	IPEA
English Translation	English translation is prepared by or under the responsibility of the IB, if any designated State requires it.	English translation (except the annexes) is prepared by or under the responsibility the IB, if any elected State requires it.
Communicated to	DO	EO
Timing of Communication	In general, after the expiration of 30 months from the priority date	

a. Communication to the DOs

(a) International Preliminary Report on Patentability (Chapter I of the Patent Cooperation Treaty)

Unless the IPER has been or is to be established, the IB shall issue the International Preliminary Report on Patentability (Chapter I¹ of the Patent Cooperation Treaty) (IPRP (I)) on behalf of the ISA, which has the same contents as the WO/ISA [R44*bis*.1(a), R44*bis*.1(b)]. The IB shall promptly transmit a copy of the IPRP (I) to the applicant [R44*bis*.1(c)].

(b) Timing of the communication

The IPRP (I) shall be communicated by the IB upon request by the DO, but not before the expiration of 30 months from the priority date [R44*bis*.2(a), R93*bis*.1]. However, where the applicant makes an express request to a DO to process or examine the international application [A23(2)], the IB shall

¹ Chapter I of the PCT provides for the international application and the international search.

communicate a copy of the WO/ISA to the DO promptly upon the request of that Office or of the applicant [R44*bis*.2(b)].

The WO/ISA is made available on the WIPO website by the IB at the same time as the international publication of the ISR ([→ § 1.11.5](#)), even prior to the expiration of 30 months from the priority date. However, the IPRP (I) and its English translation is made available on the WIPO website after the communication to the DOs at the expiration of 30 months from the priority date.

(c) Communication of the English translation

Any designated State may, where the IPRP (I) has been issued in a language other than the official language, or one of the official languages, of its national Office, require a translation of the IPRP (I) into English [R44*bis*.3(a)]. The translation shall be prepared by or under the responsibility of the IB [R44*bis*.3(b)]. The IB shall transmit a copy of the translation to the DO at the same time as it communicates the IPRP (I) to that Office [R44*bis*.3(c), (d)].

(d) Transmittal of the informal comments

Where the applicant has submitted any informal comments to the IB ([→ § 1.10.2](#)), the informal comments are transmitted to the DOs at the same time as the communication of the IPRP (I). Where a demand for international preliminary examination was made after the informal comments has been submitted, the informal comments are not transmitted to the EOs.

b. Communication to the EO

(a) International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)

The IPER established by the IPEA shall bear the title “International Preliminary Report on Patentability (Chapter II¹ of the Patent Cooperation Treaty)” (IPRP (II)) [R70.15(b)]. In other words, the IPRP (II) is the same as the IPER.

¹ Chapter II of the PCT provides for the international preliminary examination.

(b) Timing of the communication

The IPRP (II) shall be communicated by the IB upon request by the EO but not before the expiration of 30 months from the priority date [A36(3)(a), R73.2(a), R93*bis*.1]. However, the IB shall, where the applicant makes an express request to EO to process or examine the international application [A40(2)], communicate any of the following documents to the EO promptly upon the request of the EO or of the applicant [R73.2(b)]:

- (i) Where the IPER has already been transmitted to the IB, the IPRP (II) (that is, the IPER); or
- (ii) Where the IPER has not been transmitted to the IB, a copy of the WO/ISA.

(c) Communication of the English translation

Any elected State may require that the IPRP (II), established in any language other than the official language, or one of the official languages, of its national Office, be translated into English [R72.1]. The translation shall be prepared by or under the responsibility of the IB [A36(2)(b)], and communicated by the IB to each EO together with the IPRP (II) [A36(3)(a)].

The annexes of the IPER (the replacement sheets and the letters of the amendments under Article 19 or Article 34) [R70.16] are not translated into English by or under the responsibility of the IB, whereas the original annexes shall be communicated [A36(2)(b)]. The translation of the replacement sheets of the annexes shall be transmitted within the prescribed time limit for entry into the national phase ([→ § 1.13.1 \(1\)](#)) by the applicant to the EOs [A36(3)(b), R74.1(a)].

1.13.3 Examination in the National Phase

(1) Substantive requirements on patentability of inventions claimed in the international application

Nothing in the PCT and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. Any Contracting State is free to apply, when determining the patentability of an invention claimed in an international

application, the criteria of its national law in respect of prior art and other conditions of patentability [A27(5)].

For the purpose of deciding whether, in a Contracting State, the claimed invention is patentable or not, that State may apply criteria additional to or different from the criteria for the international preliminary examination of novelty, inventive step and industrial applicability [A33(5)].

(2) Requirements relating to the form or contents of the international application

No national law shall require compliance with requirements relating to the form or contents of the international application (e.g., formality requirements) different from or additional to those which are provided for in the PCT and the Regulations [A27(1)]. However, there are special provisions for specific requirements [A27, R51*bis*].

Where the national law of a designated State provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by the PCT and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications [A27(4)].

Chapter 2

International Search Work

Chapter 2

International Search Work

Table of Contents

2.1	Introduction	1
2.1.1	Objective of the International Search	1
2.1.2	General Overview of Procedure in International Search Stage	1
2.1.3	Priority Date and Relevant Date	4
2.1.4	Minimum Documentation	5
2.1.5	Confidential Treatment	7
2.2	Specific Procedures of the Examiner in the International Search Stage	8
2.3	Consideration Performed in Starting International Search	9
2.3.1	Identification of Schedule	9
2.3.2	Identification of Bibliographic Items	9
2.3.3	Identification of Basis of International Search	10
2.3.4	Consideration Relating to “Usage of Prior Search Results, etc.”	10
2.3.5	Consideration of the Exclusion from the International Search	10
2.3.6	Confirming Documents to be Prepared in the International Search Stage	11
2.4	Consideration Relating to the Intermediate Invitation	13
2.4.1	Invitation to Pay Additional Fees (Unity of Invention)	13
2.4.2	Invitation to Request Rectification of Obvious Mistakes	14
2.4.3	Notification on Expressions, etc., not to be used	15
2.4.4	Invitation to Furnish the Sequence Listing	17
2.5	Decision of the Subject of Search in International Search	18
2.6	Prior Art Search	19
2.6.1	Usage of Prior Search Results, Etc.	19
2.6.2	Conducting Prior Art Search	19
2.6.3	Stopping of Prior Art Search	22

2.7	Consideration Performed in Preparing ISR and WO/ISA	23
2.7.1	Common Matters to be Considered	23
2.7.2	Matters to be Considered on the ISR	28
2.7.3	Matters to be Considered on the WO/ISA	32
2.8	Instructions for Preparation of ISR	39
2.9	Instructions for Preparation of WO/ISA	51
2.10	Instructions for Preparation of the Notification of Transmittal of the ISR, Etc. (ISA/220)	65
2.11	Procedures after Completion of ISR and WO/ISA	66

2.1 Introduction

2.1.1 Objective of the International Search

The objective of the international search is to discover relevant prior art. [A15(2)].

Therefore, the ISA shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the “minimum documentation” ([→ § 2.1.4](#)) specified in the PCT Rule 34.1. [A15(4), R34.1, GL15.01].

Notes

- “Relevant prior art” consists of everything which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step [R33.1(a)].
- “Prior art” consists of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) prior to the relevant date ([→ § 2.1.3 \(2\)](#)) [R33.1(a), R64.1(a), GL11.03]. Information disclosed on the Internet or an on-line database is also included in the prior art [GL11.01, GL11.13].

2.1.2 General Overview of Procedure in International Search Stage

Figure 2-1 shows a general overview of the general procedures in the international search stage. The procedures in the international search stage are generally classified into the following three steps. The following describes a summary of each step.

- Receipt of the search copy of the international application [→ \(1\)](#)
- Intermediate invitation [→ \(2\)](#)
- Preparation of the ISR and the WO/ISA [→ \(3\)](#)

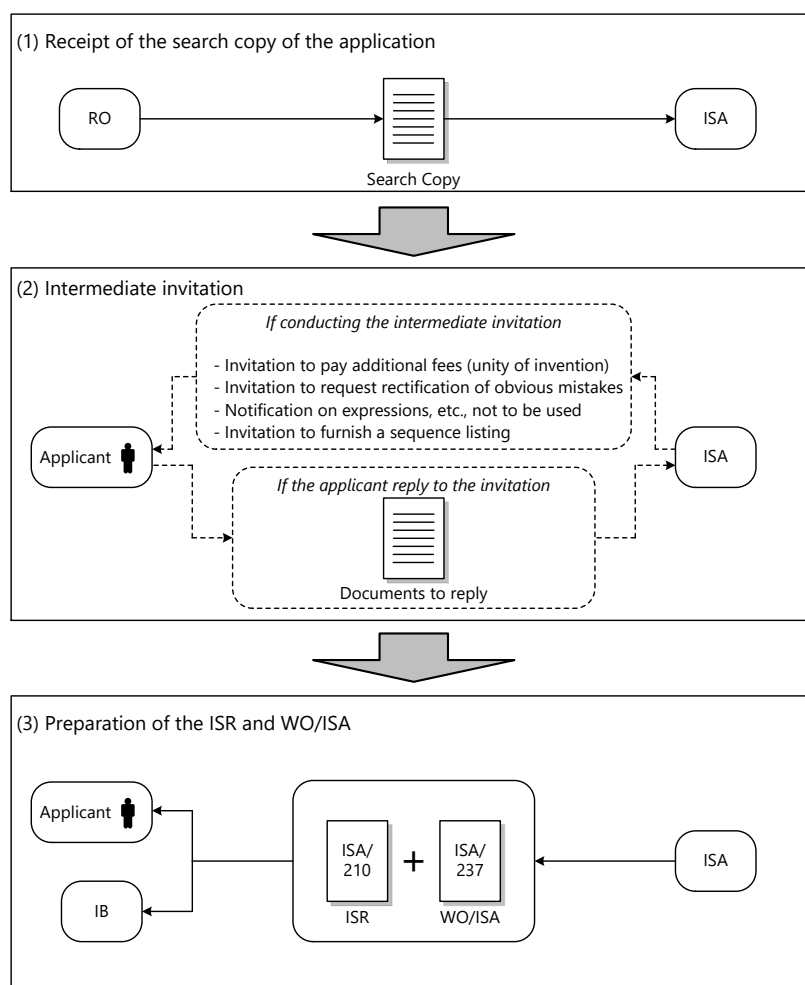


Fig. 2-1 General overview of the procedures in the international search stage

(1) Receipt of the search copy of the international application

The ISA receives the search copy of the international application transmitted from the RO [A12(1), R23.1]. → [§ 1.8.3 \(2\)](#)

(2) Intermediate invitation

The ISA, as appropriate, conducts the intermediate invitation for the applicant in the cases of the following (i) to (iv). → [§ 2.4](#)

- (i) Where the requirements of unity of invention are not complied with.
 - Invitation to pay additional fees [A17(3)(a), R13, R40]
- (ii) Where obvious mistakes are contained.
 - Invitation to request rectification of obvious mistakes [R91.1(h)]

- (iii) Where expressions, etc., not to be used are contained.
 - Notification on expressions, etc., not to be used [R9]
- (iv) Where the sequence listing complying with the predetermined standard is not furnished.
 - Invitation to furnish the sequence listing [R13*ter*.1, S208, Annex C of PCT Administrative Instruction]

(3) Preparation of the ISR and the WO/ISA

The ISA prepares the ISR¹ and the WO/ISA and transmits them to the applicant and the IB within the prescribed time limit [A18, R43*bis*.1(a), R44.1].

a. Overview of the ISR

The ISR contains the citations of the documents considered to be relevant to the ISR, which are discovered as a result of prior art search, with a category indication by way of an alphabetic character ([→ § A.1](#)) [R43.5(a), S505, S507, GL16.63].

b. Overview of the WO/ISA

The WO/ISA contains the opinion as to whether or not the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable [A35(2), R43*bis*.1, GL17.02].

c. Expiration date of the time limit for preparing the ISR and the WO/ISA

The time limit for preparing the ISR and the WO/ISA expires on the later of any of the following date [R42.1, R43*bis*.1(a)].

- (i) Three months from the receipt of the search copy by the ISA
- (ii) Nine months from the priority date

¹ Where the entire claims are excluded from the international search ([→ § 2.3.5](#)), ISA/203 (Declaration of non-establishment of ISR) is prepared ([→ § 5.6](#)) and transmitted instead of the ISR [A17(2)(a)]. Even in this case, the WO/ISA is prepared. [R43*bis*.1(a)].

2.1.3 Priority Date and Relevant Date

(1) Priority data

The priority date of the international application is the dates of any of the following (i) to (iii) ([→ § 1.3.3](#)) [A2(xi)].

- (i) Where the international application contains a priority claim¹:
The filing date of the application whose priority is so claimed
- (ii) Where the international application contains several priority claims:
The filing date of the earliest application whose priority is so claimed
- (iii) Where the international application does not contain any priority claim:
The international filing date of such application

The priority date is determined based on the filing date of the application whose priority is so claimed, regardless of whether or not the ISA recognizes the effect of the priority claim, as above.

(2) Relevant date

The relevant date is used in definition of the prior art and the provision on the inventive step as follows, and is the date of relevance for assessing the novelty and inventive step.

¹ Where the priority claim is considered void by the RO or the IB, or has been withdrawn by the applicant, the priority claim is considered not to have been made [R26*bis*.2(b), R90*bis*.3].

Definition of the prior art

Everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) prior to the relevant date [R33.1(a), R64.1(a), GL11.01]. Information disclosed on the Internet or an on-line database is also included in the prior art [GL 11.01, GL 11.13].

Provision relating to the novelty

A claimed invention shall be considered novel if it is not anticipated by **the prior art** [A33(2)].

Provision relating to the inventive step

A claimed invention shall be considered to involve an inventive step if, having regard to the prior art, it is not, **at the relevant date**, obvious to a person skilled in the art [A33(3), R65.2].

The relevant date for purposes of ISR is always the international filing date [R33.1(a), GL11.03]. Otherwise, the relevant date for purposes of WO/ISA is normally the priority date¹ ([→ \(1\)](#)) [R64.1(b), R43bis.1(b), GL11.04].

It should be noted that the relevant date for purposes of ISR and WO/ISA can be different [GL11.02].

2.1.4 Minimum Documentation

The ISA shall consult the following minimum documentation in an international search [A15(4), R34.1].

(1) Patent documents

a. National patent documents

- (i) The patents issued in and after 1920 by the United States of America, Switzerland (in the French and German languages only), the former Soviet Union, the former Reichspatentamt of Germany, Japan, France, and the

¹ Where the international application contains a priority claim, the ISA considers whether the priority claim is appropriate. As a result of the consideration, the relevant date for purposes of WO/ISA may become a date other than the priority date ([→ § 2.7.3 \(1\)](#))

United Kingdom.

- (ii) The patents issued by the Federal Republic of Germany, the People's Republic of China, the Republic of Korea and the Russian Federation.
- (iii) The patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii)
- (iv) The inventors' certificates issued by the former Soviet Union
- (v) The utility certificates issued by, and the published applications for utility certificates of, France
- (vi) Such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

b. Other patent documents

The published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates

Notes

- On occasions when a patent application is published a number of times, the ISA shall not bear the responsibility for preserving all forms of the patent applications as minimum documentation [R34.1(d)]
- Of the patent documents issued in the People's Republic of China, the Republic of Korea, the Russian Federation or former Soviet Union, or patent documents in Spanish, only the patent documents that can be generally available in the form of an English abstract shall be taken as minimum documentation by the JPO acting as an ISA. Any documents other than the above shall not be included in the minimum documentation [R34.1(e)].

(2) Non-patent literature

The published non-patent literature, which is contained in the list published by the IB¹

2.1.5 Confidential Treatment

The ISA shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant [A30(1)].

The term “access” covers any means by which third parties may acquire cognizance, including individual communication and general publication [A30(4)].

¹ See the URL provided below for details. The non-patent literature contained in the minimum documentation is limited solely to that non-patent literature contained in the list that was issued during the five-year period preceding the time at which an ISR is established.
<http://www.wipo.int/export/sites/www/standards/en/pdf/04-02-01.pdf>

2.2 Specific Procedures of the Examiner in the International Search Stage

Fig. 2-2 shows general procedures which the examiner performs in the international search stage. Details of specific work to be performed in each procedure will be expounded hereunder.

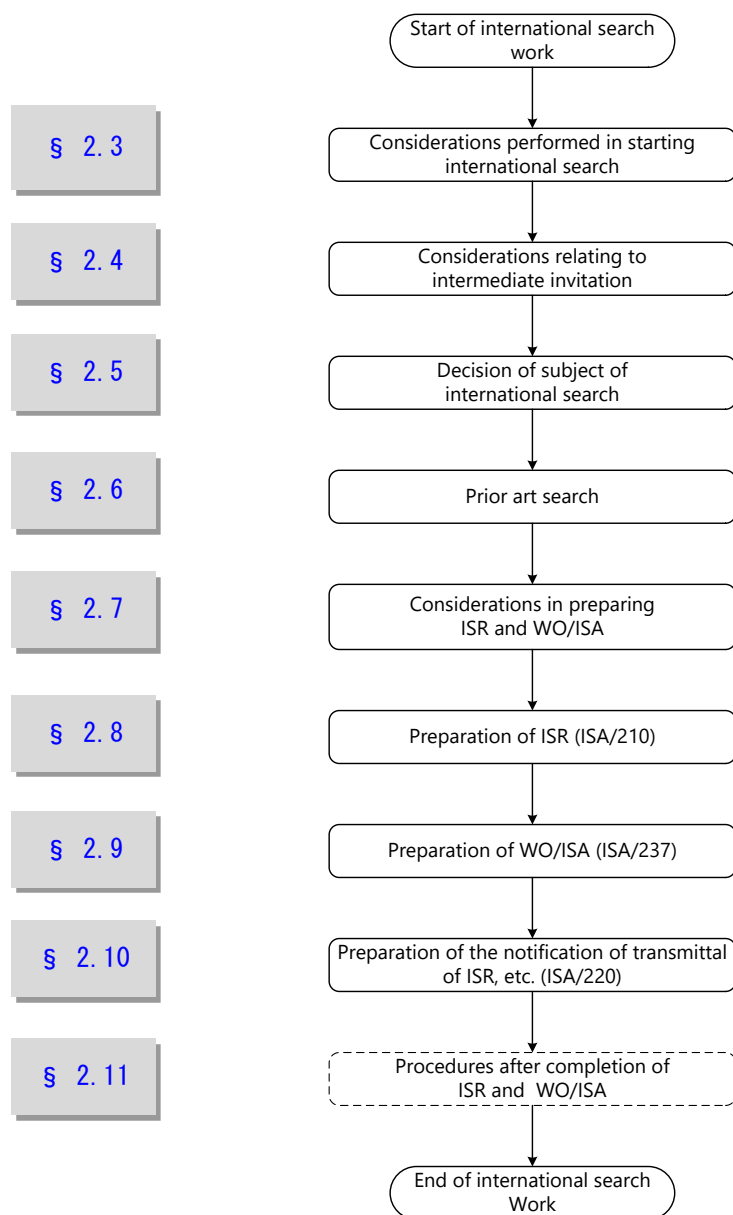


Fig. 2-2 General procedures of international search work

2.3 Consideration Performed in Starting International Search

2.3.1 Identification of Schedule

JPO prepares a schedule table for the examiners to manage time for each international application.

The examiner identifies the time limit on the schedule table of international search stage immediately after receiving a search copy of an international application, appropriately managing time so that operation is completed by the time limit.

2.3.2 Identification of Bibliographic Items

The bibliographic items (for example, the international filing date, priority date) can be changed by the procedures of the applicants even after the ISA has received the copy of the international application ([→ § 2.1.2 \(1\)](#)). Where a. or b. of the following applies, the examiner identifies the change of the bibliographic items.

a. Correction and incorporation by reference

Where any of documents of the following is transmitted from the RO, the international filing date or the description, etc. of the international application can be changed. For details, see Chapter 5. [→ § 5.13](#)

- Form PCT/RO/126 “Notification Concerning Later Submitted Parts of an International Application”
- Form PCT/RO/114 “Notification on Decision of Confirmation of Incorporation by Reference of Element or Part”

b. Addition, etc. of the priority claim

Where any of documents of the following is transmitted from the RO or the IB, the priority date can be changed because of the change of the priority claim. For details, see Chapter 5. [→ § 5.14.1](#)

- Form PCT/RO/111 “Notification Relating to Priority Claim”
- Form PCT/RO/136 “Notification of Withdrawal”
- Form PCT/IB/318 “Notification Relating to Priority Claim”
- Form PCT/IB/317 “Notification of Withdrawal of Priority Claim”

2.3.3 Identification of Basis of International Search

The examiner performs international search on the basis of a copy of an international patent application for search¹ [GL15.10].

2.3.4 Consideration Relating to “Usage of Prior Search Results, etc.”

Where the international application applies to either (i) or (ii) of the following, the examiner considers whether or not prior search result, etc. can be used. For details of a concrete consideration method, see Chapter 5. [→ § 5.1](#)

- (i) Where a request is made for usage of prior search result, etc. in Box No. VII of the request
- (ii) Where there is an earlier international application² on which the priority is claimed based in the application concerned, for which the JPO was specified as the ISA

A necessity for conducting examination for a prior domestic patent application in Box No. VII of the request or international search for a prior international application may arise depending of the results of consideration.

2.3.5 Consideration of the Exclusion from the International Search

The examiner considers on the exclusion from the international search.

Where claims include any of the following, it can be excluded from the international search. The examiner determines the exclusion from international search on the basis of descriptions of the reference.

¹ Where the ISA authorizes the rectification of the obvious mistakes, or where the correction or the incorporated by reference is transmitted to the RO, the replacement sheets shall be also considered.

² The applications serving as the basis of the priority claims are normally stated in Box No. VI of the request. However, the examiner notes that the priority claims stated in Box No. VI of the request can be changed as a result of correction, addition or withdrawal of priority claims ([→ § 5.14.1](#)) after the application.

- Subject matter that does not need a search → [§ 4.1.1](#)
- An invention for which a meaningful search cannot be performed as a result of the description the claims or the drawings failing to meet description requirements → [§ 4.1.2](#)
- An invention for which a meaningful search cannot be performed because of a lack of an obtainable sequence listing → [§ 4.1.3](#)

Where the examiner excludes particular claims or limited the subject of the search relating to particular claims as a result of the determination above, the examiner shall consider the exclusion or the limitation in work of the following.

- Identifying documents to be prepared at the international search stage¹ → [§ 2.3.6](#)
- Determination unity of invention during intermediate invitation² → [§ 2.4.1](#)
- Decision of claims to be searched in international search³ → [§ 2.5](#)
- Indication the exclusion from international search, etc.⁴ → [§ 2.7.1 \(1\)](#)

2.3.6 Confirming Documents to be Prepared in the International Search Stage

Documents to be prepared in an international search stage vary between when the all claims are excluded and other occasions. According to a result of “Consideration of the Exclusion from the International Search” (→ [§ 2.3.5](#)), the examiner identifies documents to be established in the international search stage by reference to Table 2-1. When necessary, documents other than these documents are also established.

Where the language of the international application is Japanese, the JPO acting as the ISA (ISA/JP) prepares documents in Japanese. On the other hand, where it is English, the ISA/JP prepares documents in English ⁵ [R43.4, R43bis.1(b)] (→ [§ 1.9.1 \(2\)](#)).

¹ Where all claims are excluded, documents to be prepared in an international search stage are different than usual (→ [§ 2.3.6](#)).

² Unity of Invention is determined on the basis of the claims after excluding the claims to be excluded (→ [§ 2.4.1](#)).

³ The claims to be searched in international search is decided on the basis of the claims after excluding the claims to be excluded (→ [§ 2.5](#)).

⁴ If particular claims is excluded, the examiner indicate that in the ISR and the WO/ISA. If the subject of search on particular claims is limited, the examiner indicate that in the WO/ISA (→ [§ 2.7.1 \(1\)](#)).

⁵ Where the language of the international application is neither Japanese nor English, the ISA/JP prepares documents in the language of the translation of the international application (→ [§ 1.5.3](#)).

Table 2-1 Documents to be prepared in the international search stage

Document title [Form to be used: Reference to Instructions for preparation]	Ordinary case	Case where all claims are excluded
International search report (ISR) [Form PCT/ISA/210: → § 2.8]	O	–
Declaration of non-establishment of international search report (ISA/203) [Form PCT/ISA/203: → § 5.6 (3)]	–	O
Written opinion of the international searching authority (WO/ISA) [Form PCT/ISA/237: → § 2.9]	O	
Notification of transmittal of the international search report and the written opinion of the international searching authority, or the declaration (ISA/220) [Form PCT/ISA/220: → § 2.10]	O	
Notification related to usage of results of the earlier search, etc. (Additional Form 2) [Additional Form 2: → § 5.1 (3)]	Δ Established only in a case where “Usage of prior search result, etc.” is considered (→ § 2.3.4).	

O: Always prepared
Δ: Prepared if required
–: Not prepared

Notes

The international application for which the ISR is not prepared is very uncommon. ISRs of most international application are prepared.

2.4 Consideration Relating to the Intermediate Invitation

The examiner considers the necessity for the following intermediate invitations (i) to (iv).

- (i) Invitation to pay additional fees → § 2.4.1
- (ii) Invitation to request rectification of obvious mistakes → § 2.4.2
- (iii) Notification on expressions, etc., not to be used → § 2.4.3
- (iv) Invitation to furnish a sequence listing → § 2.4.4

The examiner prepares required documents within the period shown in the schedule table of the international search stage (→ § 2.3.1) in a case where the examiner judges that the intermediate invitations are required.

2.4.1 Invitation to Pay Additional Fees (Unity of Invention)

The examiner determined concerning unity of invention for the international application as consideration on intermediate invitation¹. For determination concerning unity of invention, prior art search is not necessarily required. Depending on the situation, partial prior art search can be carried out.

As a result of consideration, in a case where it is determined that the international application does not satisfy the requirements of unity of invention, the examiner invites the applicant to pay additional fees corresponding to the number of “additional inventions” (the number of inventions other than “main invention”) [A17(3)(a)]. In this case, the examiner prepares, by using Form PCT/ISA/206, “Invitation to pay additional fees and, where applicable, protest fee” (ISA/206)² [R40.1, GL10.60]. In addition, in a case where a partial prior art search is carried out for the main invention, the examiner can establish a partial search report and annex the report to ISA/206 [GL10.61].

¹ Unity of Invention is determined on the basis of the claims after excluding the claims to be excluded, where the examiner excludes particular claims in “consideration of the exclusion from international search” (→ § 2.3.5). → § 4.2

² As a result of inviting the applicant to pay the additional fees, a protest for the additional fees may be made by the applicant together with full payment of the additional fees [R40.2(c)]. For the response to the protest for the additional fees, see Chapter 5. → § 5.2.3

Here, in a case where the examiner determines that the international search can be carried out for all of the additional inventions without burden or with almost no burden, ISA/206 is not prepared¹ [GL10.65].

For the criteria to determine whether the requirement of unity of the invention is satisfied and the method for calculating the number of inventions, see Chapter 4.
[→ § 4.2](#)

For details of the invitation to pay additional fees (for example, instructions for preparation of ISA/206), see Chapter 5. [→ § 5.2.1](#)

2.4.2 Invitation to Request Rectification of Obvious Mistakes

In a case where the examiner finds obvious mistakes in the description, claims or drawings of the international application, the examiner can invite the applicant to request rectification of the mistakes [R91.1(h)].

Whether or not the mistakes in the description, claims or drawings of the international application are applicable to obvious mistakes is determined on the basis of the following criteria.

Criteria for determining applicability to obvious mistakes

For being applicable to the obvious mistakes, the mistakes in the description, claims or drawings of the international application are required to satisfy both (i) and (ii) of the following [R91.1(c)].

- (i) Occurrence of the mistakes is obvious for a person skilled in the art.
- (ii) It is obvious for a person skilled in the art that the rectification that the examiner presents is such a description that the applicant originally intended.

The interpretation above is based on the date on which the paper including a mistake was submitted [R91.1(c), (f)].

¹ Even in this case, the ISR and the WO/ISA mention that it is determined that the requirements of unity of invention are not satisfied [GL10.65].

Here, because such obvious mistakes are not an impediment to the international search, invitation by the examiner to the applicant to request for rectifying the obvious mistakes is not expected normally [GL8.13].

When the intermediate invitation concerning the obvious mistakes is carried out, the examiner prepares, by using Form PCT/ISA/216, the “Invitation to request rectification of obvious mistakes” (ISA/216).

For details of the invitation to request rectification of obvious mistakes (for example, instructions for preparation of ISA/216), see Chapter 5¹. → [§ 5.4.1](#)

2.4.3 Notification on Expressions, etc., not to be used

In a case where the examiner finds that expressions, drawings, or descriptions not to be used (hereinafter, referred to as “expressions, etc., not to be used”) are used in the international application, the examiner may suggest to the applicant to correct those voluntarily [R9.2].

Whether or not the “expressions, etc., not to be used” are used in the international application is determined on the basis of the following criteria.

¹ In a case where the “Request for rectification of obvious mistakes” is submitted from the applicant as a response to ISA/216, the examiner establishes, by using Form PCT/ISA/217, the “Notification of decision concerning request for rectification” (ISA/217). In addition, the “Request for rectification of obvious mistakes” may be submitted voluntarily by the applicant. In this case too, the examiner prepares the ISA/217. For details relating to preparation of the ISA/217, see Chapter 5. → [§ 5.4.2](#)

Criteria for determining applicability to expressions, etc., not to be used

Expressions, etc., applicable to any one of the following (i) to (iii) are applicable to “expressions, etc., not to be used”¹ [R9.1].

- (i) Expressions or drawings contrary to morality
- (ii) Expressions or drawings contrary to public order
- (iii) Statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person

Here, when the examiner points out these expressions, etc., the examiner pays attention to the following matters.

- The purpose of PCT Rule 9 is to prohibit the kind of matter likely to induce riot or public disorder, or lead to criminal or other generally offensive behavior. This Rule is likely to be invoked by the examiner only in rare cases [GL4.29].
- Even in a case where an invention that may injure public order and morality (an invention applicable to the category of unpatentable invention prescribed in Patent Act Article 32) is included in the claims, if the expressions, etc., used in the international patent application themselves are not contrary to public order and morality, they are not applicable to (i) and (ii).
- For a reason that a trademark or a registered trademark is included in the international application, it is not determined that the expressions, etc., are applicable to (i) to (iii).
- Mere comparison with the prior art, in itself, is not applicable to (iii).

When the examiner carries out the intermediate invitation concerning expressions, etc., not to be used, the examiner prepares², by using Form PCT/ISA/218, the

¹ PCT Rule 9.1 mentions “(iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances” besides (i) to (iii) as one not to be described in the international application. But, the Japanese Patent Office as ISA does not point out such statements as “expressions, etc., not to be used” [R9.2].

² ISA/218 should be prepared by the time limit for intermediate invitations as shown in the schedule table, but even after the expiration of the time limit, it may be prepared. When pointing out the use of “expressions, etc., not to be used” in the international application after the expiration of the time limit, the examiner prepares ISA/218 as soon as possible.

“Notification concerning expressions, etc., not to be used in the international application” (ISA/218). In addition, RO and IB are also notified of the contents of ISA/218 [R9.2, GL15.35].

For details on the notification of expressions, etc., not to be used (for example, instructions for preparation of ISA/218), see Chapter 5. [→ § 5.7](#)

2.4.4 Invitation to Furnish the Sequence Listing

If the international application contains disclosure of a nucleotide and/or amino acid sequence, the examiner checks the sequence listing. [→ § 5.5.1](#)

As a result of check, in a case where the sequence listing satisfying the predetermined standard¹ is not furnished, the examiner considers the necessity to invite the applicant to furnish it. When inviting to furnish it, the examiner prepares, by using Form PCT/ISA/225, the “Invitation to submit nucleotide and/or amino acid sequence listing and Invitation to pay late fee” (ISA/225).

For details on the invitation to furnish the sequence listing (for example, establishment guidelines of ISA/225), see Chapter 5. [→ § 5.5.2](#)

¹ The standard provided for in the Annex C of Administrative Instructions [S208] and language requirements for language-dependent free text (Listing in English is required.)

2.5 Decision of the Subject of Search in International Search

Depending whether or not ISA/206 was notified as a result of judgement on unity of invention ([→ § 2.4.1](#)) in consideration of intermediate invitation, the examination determines the subject of search in the international search.

Hence, if particular claims has been excluded after the “consideration of the exclusion from the international search” ([→ § 2.3.5](#)), the examiner determines the subject of the search based on the claims after exclusion of such claims.

a. Cases where ISA/206 was not notified as the intermediate invitation

The examiner searches all claims¹.

b. Cases where ISA/206 was notified as intermediate invitation

Depending on response by the applicant against the notification of ISA/206, the examiner determines claims to be searched as follows.

(a) Cases where required additional fees are paid in full

The examiner searches all claims².

(b) Cases where no or a part of required additional fees are paid

The examiner searches the following claims:

- (i) The claims classified into “main invention” in ISA/206
- (ii) The claims classified into the “additional invention” for which additional fees have been paid by the applicant, within the claims classified into the “additional invention”³ in ISA/206

Hence, where no or little additional search effort, the examiner searches additional claims to which no additional fees has been paid [GL10.64].

¹ Where ISA/206 was not issued as the intermediate invitation even though the requirements of unity of invention are not satisfied, the examiner searches all claims.

² If all required additional fees are paid, even though the applicant protests against the additional fees, the examiner searches all claims.

³ If only a part of the required additional fees are paid, for the number of the inventions to which such paid fees can apply, the fees are deemed to have been paid according to the order listed in the claims [MO Article 46].

2.6 Prior Art Search

2.6.1 Usage of Prior Search Results, Etc.

Where the examiner considers that prior search results, etc. are useful ([→ § 2.3.4](#)), the prior art search is made taking into account those results, etc.

2.6.2 Conducting Prior Art Search

(1) Search materials in prior art search

The examiner includes in search materials, at least, the documents of all technical fields directly relevant to the claimed inventions within the PCT minimum documentation ([→ § 2.1.4](#)) defined by PCT Rule 34.1 [A15(4), R33.2(a), R34.1(b), GL15.45].

(2) Subject of search in prior art search

The examiner conducts prior art search, with regard to the claims treated as the subject of search ([→ § 2.5](#)).

(3) Documents to be discovered in prior art search

The objective of the international search is to discover relevant prior art ([→ Notes](#)) [A15(2), GL15.01].

A further objective of the international search is to avoid, or at least minimize, additional search at the national stage [GL15.04].

Therefore, in prior art search, the examiner, paying attention to the following matters, endeavors to discover documents corresponding to the items (i) to (iv) listed in Table 2-2.

- With regard to all claims treated as the subject of search, the prior art which forms the basis the opinion of novelty and inventive step must be shown in Box No. V of the WO/ISA^{1, 2} [GL17.42]

¹ When providing positive statement (if not denying novelty and inventive step), the documents of the grounds for the view must be shown as well.

² For details concerning a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, see Chapter 5. [→ § 5.15](#)

- In Box No. V of the WO/ISA, “E” and “O” documents of ISR cannot be used as the prior art forming the basis for the opinion. In addition, “P” documents of ISR cannot be always used as the prior art forming the basis for the opinion¹.

Notes

- “Relevant prior art” consists of everything which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step [R33.1(a)].
- “Prior art” consists of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) prior to the relevant date ([→ § 2.1.3 \(2\)](#)) [R33.1(a), R64.1(a), GL11.03]. Information disclosed on the Internet or an on-line database is also included in the prior art [GL11.01, GL11.13].

¹ Only when the effects of a priority claim cannot be recognized, “P” documents of the ISR can be used as the prior art which constitutes the grounds for the view of novelty, etc., in Box No. V of the WO/ISA. [→ Fig. 2-3](#)

Table 2-2 Documents to be discovered in the prior art search

(i)	<div> <div>“X” document “Y” document “A” document</div> <div> Application → Publication Non patent literature Publication </div> </div>	<div> <div>Priority date of the application concerned</div> <div>International filing date of the application concerned</div> </div>
(ii)	<div> <div>“P, X” document “P, Y” document “P, A” document</div> <div> Application → Publication Application → Publication Non patent literature Publication </div> </div>	<div> <div>Priority date of the application concerned</div> <div>International filing date of the application concerned</div> </div>
(iii)	<div> <div>“E, X” document</div> <div> <p>* The search mainly focus on finding “E, X” documents¹ which publish earlier applications which can be the ground of reasons for refusal of Patent Act Article 29bis or Article 39².</p> </div> </div>	<div> <div>Priority date of the application concerned</div> <div>International filing date of the application concerned</div> </div>
(iv)	<div> <div>“O, X” document “O, Y” document “O, A” document</div> <div> Non-written disclosure Non-written disclosure Patent or non patent literature Refer to disclosure Publication Patent or non patent literature Refer to disclosure Publication </div> </div>	<div> <div>Priority date of the application concerned</div> <div>International filing date of the application concerned</div> </div>

* The Application shown above means an earlier application serving as the basis for the priority claim.

* For category symbols (X, Y, A, and so on.) of the cited documents, see Appendix A. → § A.1

¹ It is to be noted that, if “E, X” document is an international publication, the following international applications published by their international publications can be the ground of the reason for refusal of Patent Act Article 29bis [Patent Act Article 184ter, Article 184quater, Article 184terdecies].

- International application, whose language is the Japanese, designating JP
- International application, whose language is other than Japanese, designating JP and whose translation of the description and claims is transmitted.

² Where, as a result of search, “E, Y” documents or “E, A” documents are discovered, if the examiner considers that citing them is useful, they may be cited in the ISR and the WO/ISA.

(4) Prior art search using the Internet

Information disclosed on the Internet or an on-line database is also included in the prior art [GL11.01, GL11.13]. Therefore, when conducting a search on an international application, it may be necessary to make use of the Internet as a search tool.

However, there is possibility that search information such as search query, search keys, etc. is divulged at the time of searching, and thus the claimed invention in the international application is leaked to a third party.

Generally, the international search is conducted before international publication. Since confidential treatment ([→ § 2.1.5](#)) is imposed on the ISA prior to international publication, extreme caution must be exercised when using the Internet as a search tool [GL15.56-15.59].

2.6.3 Stopping of Prior Art Search

In the following cases, the examiner may stop prior art search¹ [R33.3(b), GL15.61].

- Case where it is determined that the probability of discovering further relevant prior art concerning the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.
- Case where one or more documents, taken alone, have been found clearly demonstrating lack of novelty or inventive step in the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended

Therefore, the examiner should not stop the prior art search if lack of novelty is demonstrated for only a limited number of claimed embodiments, even though this would lead to an objection of lack of novelty.

¹ When considering stopping of the prior art search, the examiner should note that, at least, minimum documentation ([→ § 2.1.4](#)) must be consulted in the international search [A15(4), R34.1].

2.7 Consideration Performed in Preparing ISR and WO/ISA

2.7.1 Common Matters to be Considered

The examiner considers about the following points as common matters to be considered in preparing the ISR and the WO/ISA.

- Forms and Boxes to indicate the exclusion from the international search, etc. [→ \(1\)](#)
- Unity of invention [→ \(2\)](#)
- The sequence listing on which the international search is based [→ \(3\)](#)

(1) Forms and boxes to indicate the exclusion from the international search, etc.

As a result of the determination in “consideration of the exclusion from the international search” ([→ § 2.3.5](#)), where a. or b. of the following applies, the examiner points out that accordingly in the ISR and the WO/ISA¹.

a. Cases where particular claims are excluded²

Box No. II of the ISR and Box No. III of the WO/ISA are used for indication.

b. Cases where subject of search is limited in particular claims

Box No. V or Box No. VIII of the WO/ISA are used for indication.

Example 1: Cases where, the examiner, even though specified claims are not excluded, limited them to the part for which meaningful search can be performed

Example 2: Cases where, the examiner, even though specified claims are not excluded, conducted prior art search based on the matter to which claims might reasonably be expected to be directed after they have been amended.

¹ If all claims are excluded from the international search ([→ § 2.3.5](#)), the examiner points out that in ISA/203 (Declaration of non-establishment of international search report) ([→ § 5.6](#)) and Box No. III of the WO/ISA. In this case, the ISR is not established.

² This case includes the case that specified alternatives are excluded ([→ § 4.1 Attention](#)).

For any of a. and b. described above, depending on the reason for the exclusion or the limitation, particulars of the Boxes to indicate those differ. Thus, the examiner shall confirm Table 2-3 before establishing the ISR and the WO/ISA.

Table 2-3 Form and box to indicate the exclusion from the international search, etc.

Case	Reason for Exclusion or Limitation	Form, Box. Particulars to be Specified
a. Cases where (a) specified claim(s) is/are excluded	a.1 • “Subject matter that requires no search” (→ § 4.1.1)	Form, Box ISR, Box No. II 1. WO/ISA, Box No. III Particulars to be Indicated • Claim number to be excluded ¹ • Reason for exclusion
	a.2 • “In-part invention for which no meaningful search is possible, due to the description, claims, or drawings failing to satisfy the description requirements” (→ § 4.1.2) • “A section for which no meaningful search is possible because a sequence listing is unavailable” (→ § 4.1.3)	Form, Box ISR, Box No. II 2. WO/ISA, Box No. III Particulars to be Indicated • Claim number of subject matter to be excluded ¹ • Reason for exclusion
b. Cases where subject of search is limited in particular claim(s) Example 1: Cases where particular claims are not excluded, but the search is carried out on a limited section where a meaningful search is possible Example 2: Cases where particular claims are not excluded, but the search is carried out based on a reasonably expectable amendment	b.1 • “A section no meaningful search of which is possible, as a result that the description, claims, or drawings do not satisfy description requirements” (→ § 4.1.2)	Form, Box WO/ISA, Box No. VIII ² → Comments Particulars to be Indicated • Specific scope of subject of search • Specific reason for limitation of subject of search (specific contents that violate description requirements, which constitute cause of limitation)
	b.2 • “Subject matter that requires no search” (→ § 4.1.1)	Form, Box WO/ISA, Box No. V → Comments Particulars to be Indicated • Specific scope of subject of search • Specific reason for limitation of subject of search

¹ Whether a claim is excluded is generally determined for each claim (→ § 4.1 Attention). In the case where (a) particular option(s) in the claim is(are) excluded, in addition to the number of claims to be excluded, the option(s) to be excluded should be specified.

² The specific scope of the search should be set out in Box No. VIII, and may be additionally set out in Box No. V.

Comments

In the case of b.1 of Table 2-3 above, because the subject of search on particular claims has been limited due to the violation of the description requirement accompanied by “significant and pertinent issues”, the reason shall be specified in Box No. VIII (Certain observations on the international application) of the WO/ISA¹ ([→ § 4.7 \(2\)](#)). On the other hand, in the case where subject of search on particular claims has been limited due to reasons other than above (in the case of b.2 of Table 2-3 above), the reason shall not be specified in Box No. VIII of the WO/ISA, but shall be specified in Box No. V together with statements on consideration with respect to novelty and inventive step.

(2) Unity of invention

The examiner generally establishes an ISR and a WO/ISA based on the consideration on unity of invention during the intermediate invitation ([→ § 2.4.1](#)). Hence, where required, unity of invention may be reconsidered on the basis of the results of the prior art search² [GL10.08]. In the case where a protest against payment of the additional fees has been submitted by the applicant, the examiner shall follow the consideration result of the ISA/212 (decision on protest against payment of the additional fees)³.

For the criteria to determine whether the requirement of unity of the invention is satisfied and the method for calculating the number of inventions, see Chapter 4.
[→ § 4.2](#)

The result of consideration with respect to unity of invention shall be stated, where required, in Box No. III of the ISR or in Box No. IV of the WO/ISA. When establishing an ISR and a WO/ISA, the examiner should confirm whether the Box No. III or IV is to be used in light of Table 2-4.

¹ In the case of a. in Table 2-3 above, even in the case where the claims have been excluded because of the violation of the description requirements accompanied by “significant and pertinent issues”, the examiner specifies the reason in Box No. III in the WO/ISA. Therefore, such a statement is not required in Box No. VIII in the WO/ISA in an overlapping manner.

² As a result of the reconsideration, in the case where a different result of consideration has been obtained other than that during the intermediate invitation ([→ § 2.4.1](#)), such a result of the reconsideration shall be given in the ISR and the WO/ISA. However, even in such a case, it should be noted that the subject of search in the international search is determined based on “decision of the subject of search in the international search” ([→ § 2.5](#)).

³ For the response to the protest on the payment of the additional fees, see Chapter 5. [→ § 5.2.3](#)

Table 2-4 Form and Box to indicate the results of consideration with respect to unity of invention

Case		ISR Box No. III (→ § 2.8 (3))	WO/ISA Box No. IV (→ § 2.9 (5))
a. Cases where ISA/206 (Invitation to pay additional fees) has not been notified during intermediate invitation	a.1 Cases where the requirement of unity of invention is considered to be complied with in establishment of the ISR	Do not employ	
	a.2 Cases where the requirement of unity of invention is not considered to be complied with in establishment of the ISR	Employ * State the reason, etc., for which the requirement of unity of invention is not considered to be complied with.	
b. Cases where ISA/206 has been notified during intermediate invitation	b.1 Cases where the requirement of unity of invention is considered to be complied with, in Decision on Protest on the Payment of the additional fees	Do not employ (→ Comments)	Employ * Check the check box of “complied with” in item 3.
	b.2 Cases where the requirement of unity of invention is not considered to be complied with.	Employ * State the reason, etc., for which the requirement of unity of invention is not considered to be complied with.	

Comments

Box No. III in the ISR is used only in the case where an international application does not comply with the requirement of unity of invention, regardless of whether ISA/206 has been notified during the intermediate invitation. Box No. IV in the WO/ISA, on the other hand, is used in the case where ISA/206 has been notified or where ISA/206 has not been notified but an international application does not comply with the requirement of unity of invention.

Therefore, in the case of b.1 in Table 2-4 above, Box No. IV in the WO/ISA is used but Box No. III in the ISR is not used.

(3) Sequence listing on basis of international search

If the international application contains disclosure of a nucleotide and/or amino acid sequence, the examiner performs the following works.

- Checking the sequence listing → [§ 5.5.1](#)
- Identification of statement concerning the sequence listing on basis of international search → [§ 5.5.3](#)

2.7.2 Matters to be Considered on the ISR

The examiner, in establishing an ISR, evaluates the documents found in the prior art search (considers categories of the cited documents → [§ A.1](#)).

Other than that, the following matters shall be considered.

- Title of Invention → [\(1\)](#)
- Abstract → [\(2\)](#)
- Figure of Drawings Published with Abstract → [\(3\)](#)

(1) Title of invention

a. Cases where the request of the international application contains the title of invention

The examiner considers the title of invention stated in the Box No. I of the request of the international application. If the examiner finds that the title does not comply with the following provisions, a new title is established by the examiner. In other cases, the examiner shall approve the title stated in the Box No. I of the request. The examiner does not need to consider strictly whether or not the title of the invention complies with the following provisions. When considering above, the examiner esteems the title of the invention furnished by the applicant, whenever possible.

Provisions on title of invention

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise [R4.3].

In considering whether the title of the invention satisfies the requirement, the following issues shall be taken into consideration [GL16.35].

- The title of the invention should clearly and concisely states the technical content.
- personal names or trade names or similar terms of a non-technical nature which do not serve to identify the invention should not be used
- Title such as “method”, “apparatus”, “chemical compounds” alone should not be used to state clearly and concisely technical content.

The result of the consideration, and a new title in the case where the examiner establishes it, shall be given in item 4. on the first sheet of the ISR [R44.2]
[→ § 2.8 \(1\)](#)

b. Cases where the request of the international application does not contain the title of invention

Where the request of the international application does not contain the title of the invention, the examiner establishes the title of the invention so that it complies with the provisions described above [R37.1, R37.2, GL16.37].

Hence, in the case where the examiner receives, before establishing the ISR, from the RO a title of the invention furnished by the applicant, the examiner considers a. described above with respect to the furnished title of the invention.

(2) Abstract

a. Cases where the international application contains the abstract

The examiner considers the abstract of the international application. If the examiner finds that the abstract does not comply with the following provisions, a new abstract is established by the examiner. In other cases, the examiner shall approve the abstract above [R38.2]. It should be noted that providing a high quality abstract for the application is primarily the responsibility of the applicant [GL16.43]. Hence, the examiner does not need to consider strictly whether or not the abstract complies with the following provisions. While considering above, the examiner esteems the abstract furnished by the applicant, whenever possible.

Provisions on Abstract

The abstract serves as a scanning tool for searching purposes in the art. So, it is drafted according to the following provisions to assess whether there is need for consulting the international application itself [R8.1, R8.3, GL16.41, GL16.42].

- The abstract must provide a summary of the technical information about the disclosure as contained in the description, claims and drawings.
- The abstract shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;
- Where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention
- The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).
- The abstract shall not contain statements on the alleged merits or value of the claimed invention.
- Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

The result of the consideration shall be given in item 5. on the first sheet of the ISR [R44.2] → [§ 2.8 \(1\)](#)

And, where the examiner establishes a new abstract, the abstract is stated in Box No. IV of the ISR [R44.2] → [§ 2.8 \(4\)](#)

The applicant can submit modifications of the abstract¹, observations or both of them to the ISA within one month from the date of mailing of the ISR [R38.3]. For details of response to the submittal of the proposed modification or the observation, see Chapter 5. → [§ 5.8](#)

¹ The applicant can submit the proposed modifications of the abstract even where the Examiner has accepted the abstract in the ISR [R38.3].

b. Cases where the international application contains the abstract

Where the international application does not contain the abstract, the examiner establishes the abstract so that it complies with the provisions described above [R38.1, R38.2].

Hence, in the case where the examiner receives, before establishing the ISR, from the RO an abstract furnished by the applicant, the examiner considers a. described above with respect to the furnished abstract.

(3) Figure of drawings published with the abstract

The examiner considers the figure of drawings published with the abstract, while referring Box No. IX of the request. The examiner selects the figure or figures best characterizes the invention among all the figures [R8.2(a)]. A figure containing significant amounts of text matter should generally be avoided [GL16.49]. If the examiner finds that none of the figures of the drawings is useful for the understanding of the abstract, none of figures are selected [R8.2(b)].

The consideration shall be stated on item 6. in first sheet of ISR, in light of Table 2-5. → [§ 2.8 \(1\)](#)

When considering above, the examiner esteems the figure indicated by the applicant.

Table 2-5 How to state the figure of drawings published with the abstract

Cases			Figure which should accompany the abstract	Check box
Where drawings are attached on the international application	Where the applicant states “the number of the figure as placed with the abstract” in Box No. IX.	Where that figure is found to best represent the invention	Figure as suggested by the applicant	“as suggested by the applicant.”
		Where another figure rather than that figure is found to best represent the invention	Figure as selected by the examiner	“as selected by this Authority, because this figure better characterizes the invention.”
		Where none of figures of the drawings is found to be useful for the understanding of the abstract	Blank	“none of the figures is to be published with the abstract.”
	Where the applicant does not suggest “the number of the figure as placed with the abstract” in Box No. IX.	Where a figure which is found to represent the invention can be selected	Figure as selected by the examiner	“as selected by this Authority, because the applicant failed to suggest a figure.”
		Where none of figures of the drawings is found to be useful for the understanding of the abstract	Blank	“none of the figures is to be published with the abstract”
Where the drawings is not attached on the international application			Blank	None of boxes are checked. [GL16.50]

Notes

In exceptional cases where necessary information cannot be otherwise conveyed, the applicant may suggest more than one figure [R3.3(a)(iii), GL16.49].

While not recommended, the examiner may select two or more figures, when the characteristics of the invention cannot be indicated by one figure [GL16.51].

2.7.3 Matters to be Considered on the WO/ISA

The examiner shall determine novelty, inventive step and industrial applicability, in establishing the WO/ISA. See Chapter 4, for each criterion thereof.

- Novelty → [§ 4.4](#)
- Inventive step → [§ 4.5](#)
- Industrial applicability → [§ 4.6](#)

In addition to these determinations, the following matters shall be considered, if necessary.

- Priority → [\(1\)](#)
- Treatment of documents cited in the WO/ISA → [\(2\)](#)

(1) Priority

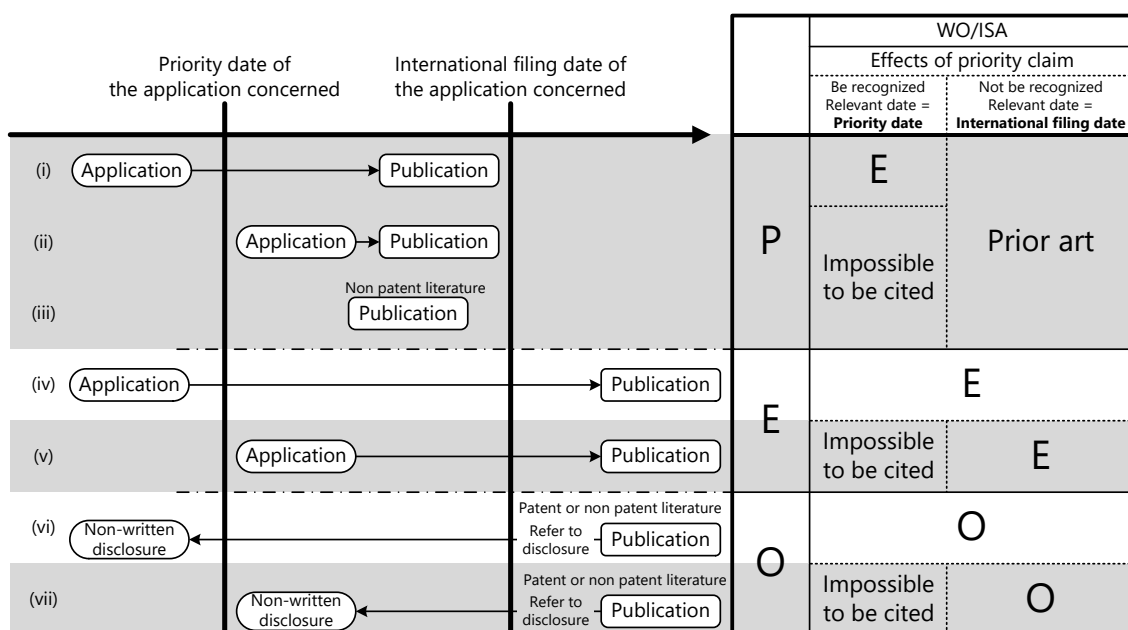
a. Necessity of consideration relating to priority claims

Where the documents which correspond to the any of following (a) to (c) have been cited in the ISR, the examiner needs to consider the priority claim in order to determine the treatment of those documents in the WO/ISA (→ [Comments](#)). On the other hand, where no document among the following (a) to (c) has been cited in the ISR, the examiner does not need to consider the priority claim [GL6.06, GL17.28].

- (a) “P” document (→ [Fig.2-3](#) (i) to (iii))
- (b) “E” document whose filing date (if applicable, the priority date) is on or after the priority date of the application concerned (→ [Fig.2-3](#) (v))
- (c) “O” document disclosing non-written disclosure which occurred on or after the priority date of the application concerned (→ [Fig.2-3](#) (vii))

Comments

The relevant date (→ [§ 2.1.3 \(2\)](#)) for the WO/ISA will vary depending on whether the effects of the priority claim are recognized. Accordingly, treatment of the documents in the above-mentioned (a) to (c), cited in the ISR will also vary (→ [Fig.2-3](#)). Therefore, where a document which is the above-mentioned (a) to (c) is cited in the ISR, the examiner needs to consider the priority claim in establishing the WO/ISA.



Note 1: In the case of (i) - (iii), (v), (vii) (Shaded parts), when establishing the WO/ISA, the examiner is required to determine whether or not effect of priority claim is valid.

Note 2: The (Application) shown above means an earlier application serving as the basis for the priority claim.

Fig. 2-3 Documents which cause consideration relating to the priority claim

b. Consideration relating to the priority claim

When consideration relating to the priority claim is required, the examiner determines whether or not the effects of the priority claim can be recognized.

First, the examiner checks the content of the request (→ (a)) and, provided no deficiencies are found he/she considers substantively as to whether or not the effects of the priority claim can be recognized (→ (b)). However, in cases where the content of the earlier application cannot be checked, the examiner is not required to perform the substantive consideration (→ (c)).

If an international application contains several priority claims, the examiner begins his or her consideration with the priority claim based on the earliest application.

(a) Check of the Content of the Request

The examiner checks Box No. VI of the request. If the request corresponds to any of (i) to (iii) below, the content is deficient and he/she prepares the WO/ ISA without recognizing the effects of the priority claim¹:

- (i) The filing date, the filing number or the country, etc.² of the earlier application is not described
- (ii) The filing date, the filing number or the country, etc.¹ of the earlier application is inappropriate³ (for example, the examiner confirmed that any corresponding application does not exist⁴).
- (iii) More than 14months⁵ have elapsed between the filing date of the earlier application and the international filing date of the application concerned.

(b) Substantive determination on the effects of the priority claim

The examiner confirms the content of an earlier application and makes substantive determination on whether the effect of the priority claim is recognized when deficiency is not found in the description of the request [R66.7(a), R43bis.1(b), GL17.26(a)].

For criteria for determination in the substantive determination on whether the effect of the priority claim is recognized, see Chapter 4. → [§ 4.9](#)

¹ Even if the applicant of earlier application and that of the application concerned do not correspond, the examiner shall not determine that there is a deficiency in the content of the request.

² “The country, etc.” means the following in accordance with the kind of the earlier application [R4.10(a)].

- Where the earlier application is a national application, the country in which it was filed.
- Where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
- Where the earlier application is an international application, the RO with which it was filed.

³ A provisional application in US, UK or AU can be made to be the basis of the priority claim, because it is regarded as a regular national application in each of the states.

⁴ If the examiner cannot confirm whether or not any corresponding application exists (same to “case where the content of the earlier application cannot be confirmed” (→ [\(c\)](#))), he/she shall not determine that (ii) is applied.

⁵ Exactly, “14 months” means the period that 2 months is added to the priority period (12 months) [R64.1(b)(iii)]. To compute this period exactly, non-working days, etc. of RO must be taken into account. So, the examiner need to confirm the days to determine that (iii) is applied. For details, see Chapter 5. → [§ 5.14.2](#)

(c) Cases where the content of the earlier application cannot be confirmed

When the earlier application is neither of the following, ordinarily the content of the earlier application cannot be confirmed at the international search stage.

- National application in Japan
- International application that JPO acts as the RO or ISA¹.

Accordingly, when the earlier application is neither above, the examiner is not required² to perform the substantive determination on whether the effect of the priority claim is recognized ([→ \(b\)](#)). When the substantive determination on whether the effect of the priority claim is not recognized is not performed, the examiner prepares the WO/ISA supposing that the effect of the priority claim is recognized [GL6.17, GL17.29(b)].

(d) The particular matters to be indicated with regard to the priority claim

As a result of determination from (a) to (c), each cases of the following is applied, the examiner indicates that in Box No. II of the WO/ISA.

- Where the effect of no priority claims is recognized ([→ \(a\)](#), [\(b\)](#)).
- Where supposed that the effect of any priority claims is recognized ([→ \(c\)](#)).

c. Decision of the relevant date for purposes of WO/ISA depending on the consideration relating to the priority claim

The examiner decides the relevant date for purposes of WO/ISA in accordance with the above the result of the consideration concerning the priority claims in the light of Table 2-6 [R64.1, R43bis.1(b)].

The relevant date for purposes of WO/ISA sometimes differs depending on each of claims because the determination of the effect of the priority claim is made for each of the claims in principle ([→ § 4.9](#)).

¹ The content of the international application can be confirmed even through JPO is not RO of the application (“JP” is not included in its international application number), when JPO performs international search as ISA ([→ § 1.5.6 \(2\)](#)).

² However, when there is sufficient time until the time limit for preparing ISR expires, the examiner can request the copy of the earlier application (priority document) to IB [R66.7(a), R43bis.1(b), GL18.16]. When the priority document is available, the examiner confirms the content thereof and makes substantive determination on whether the effect of priority claim is recognized ([→ \(b\)](#)).

Table 2-6 Relevant date for purposes of WO/ISA

Priority Claim		Relevant date
Cases where an international application is accompanied by only one priority claim	Cases where the effect of priority claim based on an earlier application is recognized	Priority Date
	Cases where the effect of priority claim based on an earlier application is not recognized	International Filing Date
Case where an international application is accompanied by several priority claims	Cases where the effect of priority claim based on an earliest application is recognized	Priority Date
	Cases where the effect of priority claim based on non-earliest application is recognized	Filing Date of such Earlier application
	Cases where the effect of priority claim based on no earlier applications is not recognized.	International Filing Date

(2) Treatment of documents in WO/ISA

The definition of relevant prior art for purposes of WO/ISA is different from the definition of relevant prior art for purposes of ISR. Therefore, treatment of documents cited in WO/ISA is also different from that in the ISR.

The examiner confirms treatment of documents cited in the WO/ISA on the basis of the relevant date for purposes of WO/ISA ([→ \(1\) c.](#)) decided in accordance with consideration above, in the light of Fig 2-4.

As a result of confirmation, where cited documents correspond to prior art documents, they are cited in Box No. V of the WO/ISA. And, where cited documents correspond to “E” or “O” documents of the WO/ISA, they are cited in Box No. VI of the WO/ISA.

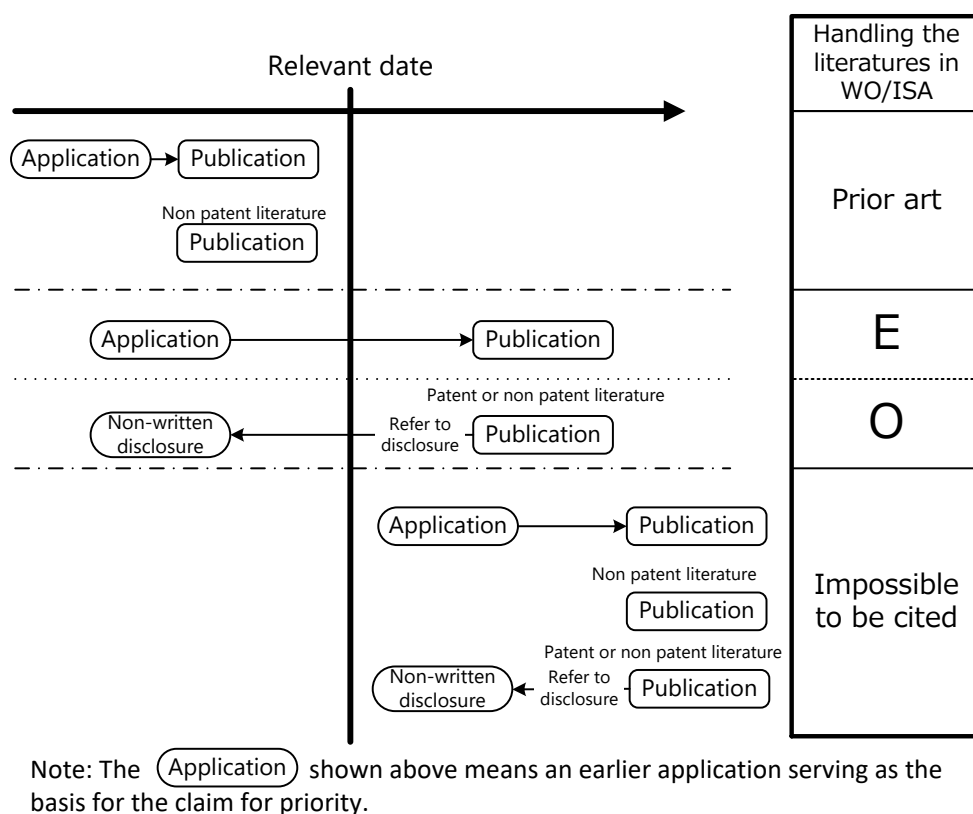


Fig. 2-4 Treatment of documents in WO/ISA

2.8 Instructions for Preparation of ISR

A list of sheets constituting the ISR is shown in Table 2-7. In (1) to (7) below, instructions for preparation of the ISR are shown for each sheet of the ISR.

Table 2-7 List of sheets constituting the ISR

Sheet	Main description	Conditions for employment	Instructions for preparation
first sheet	<ul style="list-style-type: none"> Bibliographic items Basis of the ISR Examiner's determination about title of invention, abstract and drawings 	Always employed.	→ (1)
	continuation sheet for the first sheet (1)	Employed where nucleotide or amino-acid sequence is disclosed in the international application.	→ (2)
	continuation sheet for the first sheet (2)	Employed where specified claims are excluded from international search, or when determining that requirement of unity of invention is not satisfied.	→ (3)
	continuation sheet for the first sheet (3)	Employed where examiner has established the abstract.	→ (4)
second sheet	<ul style="list-style-type: none"> Classification of a technical field to which the invention pertains Field in which search has been carried out Documents considered to be relevant 	Always Employed.	→ (5) → (6)
patent family annex	<ul style="list-style-type: none"> Information related to patent family members 	Employed where the information on patent family members of each citation documents is provided.	→ (7)

(1) First sheet

This sheet is employed to be included in the ISR without fail.

State the full name or entity name of the applicant. → [a.](#)

Indicate only when having been stated in the international application. (Hereinafter, this explanation will be omitted from preparation guidelines of other documents.)

State the number of sheets of the ISR. Continuation sheets should be included in the count. Do not count sheets that have not been employed.

State the priority data. → [b.](#)

The upper check box shall be selected normally. If the international search has been carried out based on a translation of an international application (→ § 1.5.3), check the lower box, and state the language of the translation in the underlined portion [R43.4].

Check this box, if the ISR is prepared while taking into account the rectification of an obvious mistake authorized by or notified to the ISA (→ § 5.4.2 (2) c.) [R43.6bis(a)].

Check this box, if any nucleotide and/or amino acid sequence is disclosed in the international application (→ § 5.5.3). In addition, state required items in Box No. I. → [\(2\)](#)

Select the appropriate box (→ § 2.7.2 (1)). If a title of the invention has been established by the examiner, check the lower box and indicate the established title in the blank portion.

Select the appropriate box (→ § 2.7.2 (2)). If the Abstract has been established by the examiner, check the lower box and state the established abstract in Box No. IV. → [\(4\)](#)

Select the appropriate box. If the figure of the drawings is published with the abstract, indicate the number of such figure, (→ § 2.7.2 (3)). Meanwhile, where no drawing is attached to the international application, none of the boxes should be checked [GL16.50].

PATENT COOPERATION TREATY
PCT
INTERNATIONAL SEARCH REPORT
(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference: 5678H
FOR FURTHER ACTION: see Form PCT/ISA/220 as well as, where applicable, II, 2.3 below.
International application No. PCT/JP2015/999999
International filing date (day/month/year): 17 April 2018
(Earliest) Priority Date (day/month/year): 28 April 2017
Applicant: PATENT CORPORATION

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.
This international search report consists of a total of 7 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report
a. With regard to the language, the international search was carried out on the basis of:
☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).
c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (see Box No. II).

3. ☒ Unity of invention is lacking (see Box No. III).

4. With regard to the title,
☒ the text approved as submitted
☐ the text has been established by the Authority

Check this box, if specified claims have been excluded (→ § 2.7.1 (1)). In addition, state required items in Box No. II. → [\(3\)](#)

5. With regard to the abstract,
☒ the text is approved as submitted
☐ the text has been established by the Authority within one month from the date of publication of the international application

Check this box, if determining that the requirement of unity of invention is not satisfied (→ § 2.7.1 (2)), check here. In addition, state required items in Box No. III. → [\(3\)](#)

6. With regard to the drawings:
a. the figure of the drawings to be published with the abstract is Figure No. 7
☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
b. ☐ none of the figures is to be published with the abstract.

Form PCT/ISA/210 (first sheet) (January 2015)

a. Applicant (full name or entity name)¹

State the full name or entity name of the applicant indicated first in the Request as is indicated in the Request. Even when there are a plurality of applicants, there is no need to state the number of the other applicants [S105].

b. Priority date¹

Where the international application contains priority claims, the priority date is indicated ([→ § 2.1.3 \(1\)](#)). Where the international application does not contain any priority claim, it shall be made to be a blank space [R43.2].

Meanwhile, a date is indicated in order of date.month.year (Western calendar). A date and a month are indicated in two digits and a year is indicated in four digits (Example: January 23, 2015 → 23.01.2015).

Notes

Indication of date

When indicating a date in items other than the present item, it is also indicated in order of date.month.year (Western calendar), and a date and a month are indicated in two digits and a year is indicated in four digits.

In this regard, however, the publication date of a cited document (patent document) is stated in order of date.month.year (year-month-date), and year should be indicated in four digits and a month and a day in two digits. For details, see Appendix B. [→ Appendix B](#)

¹ Hereinafter, in the instructions for preparation of the other documents (Chapter 2, Chapter 3 and Chapter 5), explanation of “Applicant” and “Priority date” will be omitted. Explanation about these is as same as that of the above a. or b.

(2) Continuation of first sheet (1)

This sheet is employed where the international application contains disclosure of any nucleotide and/or amino acid sequence (when item 1.c of the first sheet has been checked). Otherwise, this sheet is not included in the ISR.

Fill in the sequence listing on which the international search is carried out based.

INTERNATIONAL SEARCH REPORT	
International application No. PCT/JP2023/200022	
Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.c of the first sheet)	
<p>1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of a sequence listing:</p> <p>a. <input type="checkbox"/> forming part of the international application as filed.</p> <p>b. <input type="checkbox"/> furnished subsequent to the international filing date for the purposes of international search (Rule 13ter.1(a)).</p> <p><input type="checkbox"/> accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.</p> <p>2. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this report has been established to the extent that a meaningful search could be carried out without a WIPO Standard ST.26 compliant sequence listing.</p> <p>3. Additional comments:</p>	

Form PCT/ISA/210 (continuation of first sheet) (July 2022)

(3) Continuation of first sheet (2)

This sheet is employed where particular claims are excluded from the international search (→ § 2.3.5) (i.e. check box 2. of first sheet is checked), or where it is decided that the requirement of unity of invention is not satisfied (i.e. check box 3. of first sheet is checked) (*1). Otherwise, this sheet is not included in the ISR.

Do not check this check box.
The JPO does not exclude claims from international search by the reason of item 3.

Check the appropriate box, if specified claims are excluded (→ § 2.7.1 (1)). In addition, state the following (i) and (ii).

(i) No. of the excluded claim (*2)

(ii) Specific reason(s) for exclusion

State the following (i) to (iii).
Use the extra sheet, if more space is necessary.

(i) Number of inventions covered by the claims

(ii) Nos. of claims divided into individual inventions

(iii) Reason(s) why it is decided that the requirement of unity of invention is not met.

Check the appropriate box among box 1., 3. and 4., if payment of additional fees was invited under ISA/206 at the time of interim instruction. In the case of 3. or 4., state number of the claim subject to international search (→ § 2.5) (*3)

Check the appropriate box, depending on whether there is a protest against additional fees (→ § 5.2.3), if box 1. of Box No. III is checked.
Do not check 2nd box, because JPO requires no protest fee.

INTERNATIONAL SEARCH REPORT		International application No. PCT/JP2015/999999
Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)		
This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:		
1.	<input checked="" type="checkbox"/>	Claims Nos.: 8 because they relate to subject matter not required to be searched by this Authority, namely:
2.	<input checked="" type="checkbox"/>	Claims Nos.: 11 because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.	<input checked="" type="checkbox"/>	Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)		
This International Searching Authority found multiple inventions in this international application, as follows:		
1. <input checked="" type="checkbox"/> As all required additional search fees were paid by the applicant, this international search report covers all the inventions found.		
2. <input type="checkbox"/> As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.		
3. <input type="checkbox"/> As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:		
4. <input type="checkbox"/> No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:		
Remark on Protest		<input checked="" type="checkbox"/> The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee. <input checked="" type="checkbox"/> The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation. <input type="checkbox"/> No protest accompanied the payment of additional search fees.

Form PCT/ISA/210 (continuation of first sheet) (January 2015)

- *1 This sheet is not used if the international application is found to meet the requirement of unity of invention by the decision on a protest against additional fees under ISA/212 after the examiner otherwise decided at the time of intermediate invitation.
- *2 If specified choices of any claim are excluded (→ § 4.1 Attention), state, for example, "Claims Nos. Part of X" and specify which choices are excluded.
- *3 If a decision different from one made at the time of intermediate invitation is stated concerning unity of invention, explain which claim is subject to the search in order for the applicant to be able to understand, considering that the subject of international search is specified depending on "Determination of the Subject of Search in the International Search" (→ § 2.5).

(4) Continuation of first sheet (3)

This sheet is employed where the examiner has established the abstract (i.e. the second check box is checked in item 5. on first sheet). Otherwise this sheet is not included in ISR.

INTERNATIONAL SEARCH REPORT		International application No. PCT/JP2015/999999
Box No. IV	Text of the abstract (Continuation of item 5 of the first sheet)	
<div style="border: 1px solid black; padding: 10px; display: inline-block;"><p>State the abstract established by the examiner. (Instruction for preparation of the abstract → § 2.7.2 (2))</p></div>		
Form PCT/ISA/210 (continuation of first sheet) (January 2015)		

(5) Second sheet

This sheet is employed to be included in the ISR without fail.

Fill in the IPC, FI and facet classification symbols of technical fields to which the claimed invention pertains. → [a.](#)

Fill in the documentation searched other than minimum documentation. → [c.](#)

Fill in the IPC of technical fields to which such minimum documentation pertains. → [b.](#)

Fill in the electronic data base consulted during the international search. → [d.](#)

Refer to the following (i) to (iii) on documents considered to be relevant:

- (i) Category → [§ A.1](#)
- (ii) Title of cited documents → [Appendix B](#) (*2)
- (iii) Relevant to claim No. → [e.](#)

Also note the following:

- Where different categories apply to the same document cited in an international search report in respect of different claims or groups of claims, each relevant claim or group of claims shall be listed separately opposite each indicated category of relevance.
- List documents in order of relevance.
- List mutually-related documents side by side as practicable as possible.
- Cite documents that will be cited in WO/ISA without fail.

Check this box, if an additional sheet is used as Box C is not spacious enough to list all the citations.

Fill in the date of completion of ISR.

Fill in the examiner's name, art unit code, the examiner's code and phone number.

INTERNATIONAL SEARCH REPORT

A. CLASSIFICATION OF SUBJECT MATTER H04M 3/00(2006.01) FI: H04M 13/00 According to International Patent Classification (IPC) or to both national classification and IPC		International application No. PCT/JP2015/999999																		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) H04M3/00 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Published examined utility model applications of Japan 1922-1996 Published unexamined utility model applications of Japan 1971-2019 Registered utility model specifications of Japan 1996-2019 Published registered utility model applications of Japan 1994-2019 Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)																				
C. DOCUMENTS CONSIDERED TO BE RELEVANT <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Category*</th> <th style="width: 70%;">Citation of document, with indication, where appropriate, of the relevant passages</th> <th style="width: 20%;">Relevant to claim No.</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>WO 2010/876543 A1 (XX CO., LTD.) 15 July 2010 (2010-07-15) paragraphs [0020] to [0025], Fig. 7 & JP 2010-55555 A & US 2010/9876543 A1 & EP 9988776 A1</td> <td>1-7</td> </tr> <tr> <td>Y</td> <td>JP 8-799999 A (XX INCORPORATED) 25 June 1996 (1996-06-25) paragraphs [0040] to [0055], Fig. 1 & CN 8999999 A & KR 10-0699999 B1</td> <td>9-10</td> </tr> <tr> <td>A</td> <td></td> <td>11-20</td> </tr> <tr> <td>Y</td> <td>JP 3333333 U (XX SANGYO CO., LTD.) 16 January 2014 (2014-01-16) paragraphs [0006] to [0016], Figs. 1-2</td> <td>9-10</td> </tr> <tr> <td>Y</td> <td></td> <td>10</td> </tr> </tbody> </table>			Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	X	WO 2010/876543 A1 (XX CO., LTD.) 15 July 2010 (2010-07-15) paragraphs [0020] to [0025], Fig. 7 & JP 2010-55555 A & US 2010/9876543 A1 & EP 9988776 A1	1-7	Y	JP 8-799999 A (XX INCORPORATED) 25 June 1996 (1996-06-25) paragraphs [0040] to [0055], Fig. 1 & CN 8999999 A & KR 10-0699999 B1	9-10	A		11-20	Y	JP 3333333 U (XX SANGYO CO., LTD.) 16 January 2014 (2014-01-16) paragraphs [0006] to [0016], Figs. 1-2	9-10	Y		10
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.																		
X	WO 2010/876543 A1 (XX CO., LTD.) 15 July 2010 (2010-07-15) paragraphs [0020] to [0025], Fig. 7 & JP 2010-55555 A & US 2010/9876543 A1 & EP 9988776 A1	1-7																		
Y	JP 8-799999 A (XX INCORPORATED) 25 June 1996 (1996-06-25) paragraphs [0040] to [0055], Fig. 1 & CN 8999999 A & KR 10-0699999 B1	9-10																		
A		11-20																		
Y	JP 3333333 U (XX SANGYO CO., LTD.) 16 January 2014 (2014-01-16) paragraphs [0006] to [0016], Figs. 1-2	9-10																		
Y		10																		
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex.																				
<small>* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application filing date "L" document which is cited to establish special reason (as document reference) "O" document published the priority date of "P" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention </small>																				
Date of the actual completion of the international search 25 April 2015		Date of mailing of the international search report																		
Name and mailing address of the ISA/IP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan		Authorized officer 9Z 9999 SHINSAKI, Jun Telephone No. +81-3-3581-1101 Ext. 0011																		

Form PCT/ISA/210 (second sheet) (January 2015)

*1 In cases where the documents in more than one language are included in a patent family, the examiner cites, in a preferential manner, the document in the same language as the international application and describes other documents as the patent family documents in the patent family annex [GL 15.69]. → [§ B.1](#)

*2 Note that the location of especially relevant passages is specified when citing documents, when describing the information of (ii) above. → [Appendix B](#)

a. Classification of subject matter

The examiner indicates International Patent Classification symbols of technical field to which the claimed invention pertains according to the following instructions [R43.3, GL16.52].

- Where the description of the international application is obscure, the examiner assigns the classification whenever possible [GL7.06].
- All claimed inventions must be fully classified, whether or not there is lack of unity of invention [GL7.07].
- The version¹ of the International Patent Classification applicable at the time of the international publication is used [S504(d)]. IPC symbols to subgroup are indicated.
- Indicate the version information, adding “i” for invention information² and “n” for additional information³.
- If necessary, reconsider the classifications assigned before start of the international search when the ISR is prepared, taking into account results of search of prior art [GL7.04].

Example: B63B21/02(2006.01)i, B63B21/04(2006.01)n

- FI⁴ (File Index) and facet classification symbols⁵ are not written [R43.3, S504(b)(c)].

b. Minimum documentation searched

The examiner indicates International Patent Classification symbols of technical field to which the minimum documentation searched pertains according to the

¹ The version of the IPC applicable at the time of international publication shall be used whenever possible, if the version of the IPC applicable differ between at the time of preparation of the ISR and at the time of international publication.

² The information which, of all the technical information disclosed in the international application, is the contribution made by the invention to the prior art

³ The technical information which in itself brings no contribution to the prior art, but can be useful information for the researcher

⁴ Japanese original subclassification based on IPC

⁵ Defining FI from a different viewpoint

following instructions [R43.3, GL16.54].

- The version of the International Patent Classification applicable at the time of the preparation of the ISR is used. Indicate IPC symbols until subgroup
- Do not write version information.

Example: B63B21/02-B63B21/04

c. Documentation searched other than minimum documentation¹

If the international search extended to patents, utility models etc. not included in minimum documentation, the examiner identifies the kinds of documents, the State, the period, and the language to which it extended [R43.6(b), GL16.55].

Example: Where Japanese Utility Model bulletin searched as materials other than minimum documentation.

Published examined utility model applications of Japan	1922-1996
Published unexamined utility model applications of Japan	1971-year of the search
Registered utility model specifications of Japan	1996-year of the search
Publication registered utility model applications of Japan	1994-year of the search

d. Electronic data base consulted during the international search

The examiner indicates the name of the electronic data base searched. Specify the search terms (keywords) used for the search when they are useful information [R43.6(c), GL16.58-16.61].

Form: name of data base & keywords: A, B, C (terms used for the search)

Example 1: WPI & keywords: lithium, battery, mobile

Example 2: JSTPlus/JMEDPlus/JST7580 (JDreamIII) & keywords: cartridge, memory, and similar terms²

Example 3: CAlus/REGISTRY (STN)

¹ This field can be used in the case of provision of a third party observatory. → § 5.16 (2) b.

² If the number of keywords used is large, then a representative sample of keywords could be used [GL16.59].

e. Relevant to claim no.

The numbers of the claims to which cited documents are relevant are indicated according to the following instructions [S508(a)].

- The numbers are placed in ascending order.
- The first and last numbers in consecutive order are connected by a hyphen
- Two or more numbers in nonconsecutive order are separated by a comma or commas.

Examples: “2”, “1-15”, “2-3”, “1, 7, 10”, “1-6, 9-10, 12-15”, “1, 3-4, 6, 9-11”

(6) Second sheet of Box C

This sheet is employed where second sheet is not spacious enough to list all the citations (i.e. "Further documents are listed in continuation of Box C" is checked on second sheet.). Otherwise this sheet is not included in the ISR.

Refer to the following (i) to (iii) on documents considered to be relevant:

- (i) Category
→ § A.1
- (ii) Title of cited documents
→ Appendix B (*2)
- (iii) Relevant to claim No.
→ (5) e.

Also note the following:

- Where different categories apply to the same document cited in an international search report in respect of different claims or groups of claims, each relevant claim or group of claims shall be listed separately opposite each indicated category of relevance.
- List documents in order of relevance.
- List mutually-related documents side by side as practicable as possible.
- Cite documents that will be cited in WO/ISA without fail.

INTERNATIONAL SEARCH REPORT		International application No. PCT/JP2015/999999
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	EP 888888 A1 (XX CORP.) 13 August 2014 (2014-08-13) paragraphs [0030] to [0040], Figs. 1-4	1-7,9-10
E, X	JP 2015-999999 A (XX CO., LTD.) 23 March 2015 (2015-03-23) paragraphs [0020] to [0030], Figs. 1-2	1-3
O, X	BROWN, Thomas et al., The Property of XX, 2015.03.21, Vol.1, No.2, p.40-45, ISSN 1111-2222 especially p.43, line 5 - p.44, line 10	1-3
A	US 7777777 A1 (XX KABUSHIKI KAISHA) 20 February 2014 (2014-02-20) paragraphs [0010] to [0020], Figs. 1 & JP 2014-987321 A	1-7,9-15
A	CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No.12222/1992, Laid-open No.23333/1993, XX INDUSTRY CORP., 1993.10.19, whole document, Figs.1-3	16-20

Form PCT/ISA/210 (second sheet) (January 2015)

*1 In cases where the documents in more than one language are included in a patent family, the examiner cites, in a preferential manner, the document in the same language as the international application and describes other documents as the patent family documents in the patent family annex [GL 15.69]. → § B.1

*2 Note that the location of especially relevant passages is specified when citind documents, when describing the information of (ii) above. → Appendix B

(7) Patent family annex

This annex is employed where information on patent family members is indicated. Otherwise this annex is not included in ISR.

If family members in English are available in the case where any patent document in non-English is cited, specify passages especially worthy of reference concerning one of them at least [GL15.69]. → § B.1

INTERNATIONAL SEARCH REPORT Information on patent family members				International application No. PCT/JP2015/999999	
Patent document cited in search report		Publication date (day/month/year)	Patent family member(s)		Publication date (day/month/year)
WO	2010/876543	A1	15 July 2010	JP 2010-555555	A
				US 2010/9876543	A1
				EP 9988776	A1
JP	8-799999	A	25 June 1996	CN 8999999	A
				KR 10-1699999	A
JP	3333333	U	16 January 2014	(Family: none)	
EP	8888888	A1	13 August 2014	(Family: none)	
JP	2015-999999	A	23 March 2015	(Family: none)	
US	7777777	A1	20 February 2014	(Family: none)	
JP	2014-987321	A	24 February 2014	US 2014/7777777	A1
				paragraphs (0012) to (00422,	
				Fig.1	
JP	5-23333	U	19 October 1993	(Family: none)	

Cited documents

Publication date of cited documents

Patent family documents

Form PCT/ISA/210 (patent family annex) (January 2015)

2.9 Instructions for Preparation of WO/ISA

A list of sheets constituting the WO/ISA is shown in Table 2-8. In (1) to (10) below, instructions for preparation of the WO/ISA are shown for each sheet of the WO/ISA.

Table 2-8 List of sheets constituting the WO/ISA

Sheet	Main description	Condition for employment	Instructions for preparation
cover sheet	• Bibliographic items	Always employed.	→ (1)
Box No. I	• Basis of the opinion	Always employed.	→ (2)
Box No. II	• Determination of priority claim	Employed for the particular matters to be pointed out with regard to the priority claim if any (→ § 2.7.3 (1) b. (d)).	→ (3)
Box No. III	• Grounds for non-establishment of opinion with regard to novelty, inventive step and industrial applicability	Employed where particular claims are excluded from international search.	→ (4)
Box No. IV	• Observations with regard to unity of invention	Employed where ISA/206 (the payment instruction of additional fees) is notified at the time of the intermediate invitation, or ISA/206 is not notified at the time of the intermediate invitation but the requirements of unity of invention are determined to not be complied with in establishing the ISR.	→ (5)
Box No. V	• Reasoned statement with regard to novelty, inventive step and industrial applicability, citations supporting such statement and explanations	Normally employed, but not employed where ISA/203(decision not establishing the ISR) is established.	→ (6)
Box No. VI	• Certain documents cited	Employed where the “E” or “O” document in the WO/ISA (→ § 2.7.3 (2)) is cited.	→ (7)
Box No. VII	• Defects in the form or contents	Employed where defects in the form or contents is pointed out.	→ (8)
Box No. VIII	• Violation of the description requirements accompanied by “significant and pertinent issues”	Employed where the violation of the description requirements with “important and relevant issues” is pointed out.	→ (9)
Supplemental Box	• Supplement for other sheets	Employed where the continuation of other sheets is described	→ (10)

(1) Cover sheet

The sheet is employed to be included in the WO/ISA without fail.

The agent's name and address (the applicant's name and address where not represented by the agents) shall be set forth. (Hereinafter, in the instructions for preparation of other documents this explanation is omitted.)

Indicate the IPC, FI and faset classification symbols of technical fields to which the claimed invention pertains. → [a.](#)

The box of "Box No. I" is required to be checked.

These check boxes shall be selected for employment in Box Nos. II to VIII. The required matters shall be described in the boxes for employment.

Indicate the date of completion of the WO/ISA.

Indicate the examiner's name, art unit code, examiner's code, and telephone number.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
DAIRI, Nin
9-8-7, Anytown, Chiyoda-ku, Tokyo
100-9999,
Japan

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference
FS-F07879-00

International application No.
PCT/IP2015/999999

International Patent Classification (IPC) or both national classification and IPC
H04 3/00(2006.01)i
FI: H04M3/00

Applicant
PATENT CORPORATION

Date of mailing
(day/month/year)

FOR FURTHER ACTION
See paragraph 2 below

International filing date (day/month/year)
25 February 2015

Priority date (day/month/year)
25 February 2014

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/IP
3-4-3, Kasumigaseki, Chiyoda-ku,
Tokyo
100-8915, Japan

Date of completion of this opinion
25 April 2015

Authorized officer
9Z 9999 SHINSAKI, Jun

Telephone No. +81-3-3581-1101 Ext. 0011

Form PCT/ISA/237 (Cover sheet) (January 2015)

a. International Patent Classification

The examiner indicates International Patent Classification symbols of technical field to which the claimed invention pertains according to the following instructions [R70.5(a), R43*bis*.1(b)]

- Where the description of the international application is obscure, the examiner assigns the classification whenever possible [GL7.06].
- All claimed inventions must be fully classified, whether or not there is lack of unity of invention [GL7.07].
- The version¹ of the International Patent Classification applicable at the time of the international publication is used [S504(d)]. Indicate IPC symbols until subgroup.
- Indicate the version information, adding “i” for invention information² and “n” for additional information³.
- If necessary, reconsider the classifications assigned before start of the international search when the WO/ISA is prepared, taking into account results of search of prior art.

Example: B63B21/02(2006.01)i, B63B21/04(2006.01)n

- FI⁴ (File Index) and facet classification symbols⁵ are written [R43.3, S504(b)(c)].

¹ The version of the IPC applicable at the time of international publication shall be used whenever possible, if the version of the IPC applicable differ between at the time of preparation of the ISR and at the time of international publication.

² The information which, of all the technical information disclosed in the international application, is the contribution made by the invention to the prior art

³ The technical information which in itself brings no contribution to the prior art, but can be useful information for the researcher

⁴ Japanese original subclassification based on IPC

⁵ Defining FI from a different viewpoint

(2) Box No. I

This sheet is employed to be included in the WO/ISA without fail.

Normally, check the upper box.
Check the lower box and indicate the language of the translation, if the international search is carried out based on the translation of the international application (→ § 1.5.3) [R43.4, R43bis.1(b)].

Check this box, if the ISR is prepared while taking into account the rectification of an obvious mistake authorized by or notified to the ISA (→ § 5.4.2 (2) c.) [R43.6bis(a), R43bis.1(b)].

State the sequence listing on which the international search is carried out based.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/JP2023/200022
Box No. I	Basis of the opinion	
1.	With regard to the language , this opinion has been established on the basis of: <input type="checkbox"/> the international application in the language in which it was filed. <input type="checkbox"/> a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).	
2.	<input type="checkbox"/> This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(b)).	
3.	<input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing: a. <input type="checkbox"/> forming part of the international application as filed. b. <input type="checkbox"/> furnished subsequent to the international filing date for the purposes of international search (Rule 13ter.1(a)). <input type="checkbox"/> accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.	
4.	<input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established to the extent that a meaningful opinion could be formed without a WIPO Standard ST.26 compliant sequence listing.	
5.	Additional comments:	

Form PCT/ISA/237 (Box No. I) (July 2022)

(3) Box No. II

This sheet is employed for the particular matters to be pointed out with regard to the priority claim, if any (where “Box No. II” of item 1. is selected on the cover sheet) ([→ § 2.7.3 \(1\) b. \(d\)](#)). Otherwise, this sheet is included in the WO/ISA.

Check this check box, if the WO/ISA is established provided that the priority date is the relevant date for purposes of WO/ISA ([→ § 2.7.3 \(1\) b. \(c\)](#)) in the case of not substantively determining whether or not the effects of priority claim are recognized since the contents of any earlier application could not be verified.

Check this box, if no effects of priority claim are recognized due to deficiency in the description of request ([→ § 2.7.3 \(1\) b. \(a\)](#)) [GL17.30]. This box shall not be selected, if the description of request does not have any deficiency even if the effects of priority claim are not recognized.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/JP2015/999999
Box No. II	Priority	
1.	<input checked="" type="checkbox"/> The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.	
2.	<input type="checkbox"/> This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.	
3.	Additional observations, if necessary:	
<p>Additional observations shall be employed for the matters to be pointed out with regard to the priority claim other than matters pointed out in Chapters 1 and 2.</p> <p>Example of cases where item 3. is used</p> <ul style="list-style-type: none"> • Where any effect of priority claim could not be recognized as a result of substantively determining whether or not the effects of priority claim could not be recognized (→ § 2.7.3(1)b.(b)). (*) • Where a date other than the priority date and international filing date is considered to be the relevant date for purposes of WO/ISA due to deficiency in the description of request (→ § 2.7.3 (1) c.). 		

Form PCT/ISA/237 (Box No. II) (January 2015)

* If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described together with explanations on statement with regard to novelty and so on in Box No. V, rather than in Box No. II.

(4) Box No. III

This sheet is employed where particular claims are excluded from the international search (→ § 2.3.5) (where “the Box No. III” is selected in the item 1. of cover sheet). Otherwise, this sheet is not included in the WO/ISA.

Normally, check the lower box. (*1)

Check the appropriate box. The following (i) and (ii) shall be described.

(i) Claim numbers considered to be the excluded subjects (*2)

(ii) Grounds for being excluded

Check the first box in the dotted frame if the box “a meaningful opinion could not be formed without the sequence listing” is selected. (*3)

Check this box, if the supplemental box is employed.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2023/200022

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been established in the following cases:

☐ the entire international application.

☐ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international search (specify): _____

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (specify): _____

☐ the claims, or said claims Nos. _____ the description that no meaningful opinion could be formed (specify): _____

☒ no international search report has been established for said claims Nos. _____

☐ meaningful opinion could not be formed without the sequence listing: the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing complying with WIPO Standard ST.26, and such listing was not available to the International Searching Authority in the form, language and manner acceptable to it.

☒ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 1.3ter.1(a).

☐ See Supplemental Box for further details.

Form PCT/ISA/237 (Box No. III) (July 2022)

- *1 The upper check box shall be selected only where ISA/203 (decision not establishing the ISR) is established (→ § 2.3.6).
- *2 If specified choices of any claim are excluded (→ § 4.1 Attention), state, for example, “Claims Nos. Part of X” and specify which choices are excluded.
- *3 The second box shall not be selected in the dotted frame since the sequence listing in writing or image file is not requested to be present. The lowest check box shall not be selected in the dotted frame, since the late furnishing fee is not requested to be paid.

(5) Box No. IV

This sheet is employed where the ISA/206 (the payment instruction of additional fees) is notified as the intermediate invitation (*1), or ISA/206 is not notified as the intermediate invitation but the requirements of unity of invention are determined to not be complied with in preparing the ISR (where "Box No. IV" is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/ISA.

Check this check, if the ISA/206 has been notified as the intermediate invitation.
If this box checked, depending on the contents of the response of applicant against ISA/206, select the appropriate box among four boxes (except for the third box) in the dotted frame.
The box "paid additional fees" shall be selected, if a part of necessary additional fees only is paid.

Check this box, if, though the ISA/206 has not been notified as the intermediate invitation, the requirements of unity of invention are determined not to be complied with in establishing the ISR.

Select the appropriate box. Indicate the claim numbers for which the international search is carried out, if the lower box is selected (→ § 2.5). (*2)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/JP2015/999999
Box No. IV	Lack of unity of invention	
<p>1. <input checked="" type="checkbox"/> In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> paid additional fees. <input checked="" type="checkbox"/> paid additional fees under protest and, where applicable, the protest fee. <input checked="" type="checkbox"/> paid additional fees under protest but the applicable protest fee was not paid. <input checked="" type="checkbox"/> not paid additional fees. 		
<p>2. <input type="checkbox"/> This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.</p>		
<p>3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is</p> <p><input checked="" type="checkbox"/> complied with.</p> <p><input type="checkbox"/> not complied with for the following reasons:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The followings shall be described where the requirements of unity of invention are determined to not be complied.</p> <ul style="list-style-type: none"> (i) Total number of inventions contained in the claims (ii) Claim numbers classified for each invention (iii) Grounds for determining that the requirements of unity of invention are not complied <p>The invention for which the WO/ISA is prepared shall be identified.</p> </div>		
<p>4. Consequently, this opinion has been established in respect of the following parts of the international application:</p> <p><input type="checkbox"/> all parts.</p> <p><input checked="" type="checkbox"/> the parts relating to claims Nos. 1-7,9-20</p>		

Form PCT/ISA/237 (Box No. IV) (January 2015)

*1 This sheet shall be employed even where it has been determined that the requirements of unity of invention are complied with in the ISA/212 (decision of protest against payment of additional fees).

*2 If the determination which is different from that in the intermediate invitation with regard to unity of invention is described, the examiner shall explain to the applicant understandably that which claims are the subject of search, noting that the subject of search in the international search is determined based on "the decision of the subject of search in the international search" (→ § 2.5).

(6) Box No. V

This sheet is employed normally ("Box No. V" is selected in item 1 of the cover sheet). However, this sheet is not employed, and is not included in the WO/ISA where ISA/203 (Declaration of non-establishment of ISR) is established (→ § 2.3.6).

Statement on novelty, inventive step and industrial applicability is indicated to all claims for which the international search was performed (→ § 2.5). → a.

Prior art documents on the basis of which the statement indicated at item 1. are shown.

- With regard to all claims treated as the subject of search (→ § 2.5), the prior art which forms the basis the opinion of novelty and inventive step must be shown (*1, *2) [GL17.42].
- All cited documents (including documents to indicate well-known art) are listed.
- Manner of indicating prior art document of the WO/ISA is as same as that of the ISR.

The explanation on the statement indicated in item 1. is described. → b.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY				International application No. PCT/JP2015/999999
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement			
1. Statement				
Novelty (N)	Claims	9-20	YES	
	Claims	1-7	NO	
Inventive step (IS)	Claims	11-20	YES	
	Claims	1-7,9-10	NO	
Industrial applicability (IA)	Claims	1-7,9-20	YES	
	Claims		NO	
2. Citations and explanations :				
D1:WO 2010/876543 A1 (XX CO., LTD.) 2010.07.15, paragraphs [0020] to [0025], Fig. 7 & JP 2010-555553 A & US 2010/9876543 AA1 & EP 9988776 A1 D2:JP 8-799999 (XX INCORPORATED) 1996.06.25, paragraphs [0040] to [0025], Fig. 1 & CN 8999999 A & KR 10-0699999 B1 D3:JP 3333333 U (XX SANGYO CO., LTD.) 2014.01.16, paragraphs [0006] to [0016], Figs. 1-2 D4:US 2014/777777 A1 (XX KABUSHIKI KAISHA) 2014.02.20, paragraphs [0010] to [0020], Fig. 1 & JP 2014-987321 A D5:CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No.12222/1992, Laid-open No.23333/1993, XX INDUSTRY CORP.,1993.10.19,Whole document, Figs. 1-3				
The subject matter of claim 1 is D1 cited in the ISR describes				

Form PCT/ISA/237 (Box No. V) (January 2015)

- *1 When providing positive statement (if not denying novelty and inventive step), the documents of the grounds for the view must be shown as well.
- *2 For details concerning a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, see Chapter 5. → § 5.15 (2) b. (c)
- *3 Note following points, when describing the information of prior art documents. → Appendix B
- Specify the location of especially relevant passages when citing documents.
 - In cases where the examiner cites the patent document in a language other than English, if there is a patent family document in English, the part to be referred especially should be identified by at least one patent family document [GL15.69].

a. Statement

The relevant claim numbers are set forth in fields “YES” or “NO” of each item. This statement is provided for all of three requirements of the following for each claim.

- Criteria for “Novelty (N)” → [§ 4.4](#)
- Criteria for “Inventive Step (IS)” → [§ 4.5](#)
- Criteria for “Industrial Applicability (IA)” → [§ 4.6](#)

b. Explanation on Statement

The explanation on statement with regard to novelty, inventive step and industrial applicability of the claimed invention is described, following prior art documents based on the statement. Depending on the content of the explanation, the examiner shall pay attention to the following matters.

(a) Where negative statement is provided

- If assessed to not be novel or not involve an inventive step, the specific technical contents of prior art that is the ground for such assessment shall be provided. In this case, the passages to be particularly referred to are also given as appropriate.
- Particularly, if assessed to not involve an inventive step, not only the technical contents of prior art but the reasoning for combining multiple prior art shall also be specifically provided.
- If assessed to not be industrially applicable, the grounds for such assessment shall be specifically provided.
- If the same claim has multiple grounds for being assessed to not involve novelty, inventive step, and industrial applicability, all of these grounds shall be pointed out.

(b) Where positive statement is provided

- If assessed to be novel and to involve an inventive step, the examiner, mentioning to relationship to the prior art based on the statement, provides the specific reason of the statement. For example, the following matters are provided.

- Matters neither described in nor suggested by the prior art documents
- The factor which obstructs application of the secondary prior art to the primary prior art
- Advantageous effects over the prior art

(c) Et cetera

- The WO/ISA shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law [A35(2), R43*bis*.1(b)].
- If the subject of search is limited in particular claims as a result of consideration in “Consideration of the Exclusion from the International Search” ([→ § 2.3.5](#)), that effect is pointed out in this box, as appropriate ([→ § 2.7.1 \(1\)](#)). The followings matters are provided in pointing out.
 - Specific scope of subject of search
 - Specific reason for limitation of subject of search
- If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described in this box ([→ § 2.9 \(3\)](#)).

(7) Box No. VI

This sheet is employed where the “E” or “O” document (→ § 2.7.3 (2)) is cited in the WO/ISA (where “Box No. VI” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/ISA.

The “E” document in the WO/ISA (→ § 2.7.3 (2)) shall be set forth [R70.10, R43bis.1(b)].
The explanation on “E” document listed here may be contained in the Box No.V.

If the application according to the cited “E” document claims priority, “claimed priority date” described in said document shall be set forth. (*2)

The kind of any non-written disclosure (oral disclosures, use, exhibit) as well as “O” document in the WO/ISA (→ § 2.7.3 (2)) shall be set forth [R70.9, R43bis.1(b)].
The explanation on “O” document listed here may be contained in the Box No.V.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY				International application No. PCT/JP2015/999999
Box No. VI Certain documents cited				
1. Certain published documents (Rules 43bis.1 and 70.10)				
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim)(day/month/year)	
EP 888888 A1	13 August 2014	24 January 2014	24 January 2013	
JP 2015-999999 A	23 March 2015	13 September 2013	-	
2. Non-written disclosures (Rules 43bis.1 and 70.9)				
Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)		
,CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No.12222/1992,Laid-open No.23333/1993,1993.10.19	29 January 2014	21 March 2015		

Document number (*1)

Publication date

Filing date

Kind of non-written disclosure and document referring to the non-written disclosure

Date on which the non-written disclosure occurred

Published date of document referring to the non-written disclosure

Form PCT/ISA/237 (Box No. VI) (January 2015)

- *1 The document number of “E” document cited in the WO/ISA shall be set forth since the published applications or patents are the subjects. The application number shall not be contained.
- *2 Where citing “E” documents accompanied by priority claims, the examiner should confirm only whether or not “claimed priority date” is before relevant date, and need not to determine whether or not the effects of the priority claim can be recognized. Hence, Where the examiner finds that, though the matter related to the determination of novelty and inventive step of the present claimed invention is described in “E” document, it is not described in the descriptions as filed of the earlier application serving as the basis of the priority claim, the examiner can indicate that in Box No.V of the written opinion and the IPER [R70.10].

(8) Box No. VII

This sheet is employed where the examiner points out some defects in the form or contents of the international application (where “Box No. VII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/ISA.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/JP2015/999999
Box No. VII	Certain defects in the international application	
The following defects in the form or contents of the international application have been noted:		
<p>The Examiner can point out the defects in the form or contents of the international application (the requirements specified in Rules 5 to 11 are not complied with) in this field if said deficiency is found [GL17.09, GL17.49].</p> <p>Example of defects</p> <ul style="list-style-type: none">• The page numbers of the specification are not successive. <p>Attention</p> <p>For example, the violation of description requirements as below shall not be pointed out in this field, since such violation is a substantive violation of description requirements, rather than a deficiency in the form or content.</p> <ul style="list-style-type: none">• Where the terms in claims have unclear meanings• Where there is some technical defect in claim description <p>The violation of description requirements with “important and relevant matters” of the substantive violation of description requirements shall be pointed out in Box No. VIII.</p>		

Form PCT/ISA/237 (Box No. VII) (January 2015)

(9) Box No. VIII

This sheet is employed where the examiner points out some violations of description requirements accompanied by “significant and pertinent issues” in the description, the claims, or the drawings of the international application (where “Box No. VIII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/ISA.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/JP2015/999999
Box No. VIII	Certain observations on the international application	
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:		
<div style="border: 2px solid black; padding: 10px; margin: 10px 0;"> <p>Only a violation of description requirements accompanied by “significant and pertinent issues” (*) shall be pointed out in this field [GL17.50] (→ § 2.7.1 (1)).</p> <p>The following are described in pointing out.</p> <ul style="list-style-type: none"> (i) Specific contents of violation of description requirements accompanied by “significant and pertinent issues” (ii) Specific ranges of the searched subjects <p>The description of (ii) may be described in Box No. V as well as in this field.</p> </div>		
<small>Form PCT/ISA/237 (Box No. VIII) (January 2015)</small>		

* Violation of description requirements accompanied by “significant and pertinent issues” means the description requirements by which, if particular claims are excluded, and the subject of search and the subject of examination are limited for the particular claims because said claims are “parts in which a meaningful search could not be carried out since the description, the claims, or the drawings do not comply with the description requirements” ([→ § 4.1.2](#)), such limitation is caused ([→ § 4.7 \(2\) a.](#)).

(10) Supplemental Box

This sheet is employed where the continuation of preceding sheets is described. Otherwise, this sheet is not included in the WO/ISA.

State that the continuation of which Box is described.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2015/999999

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of : Box.III

Form PCT/ISA/237 (Supplemental Box) (January 2015)

2.10 Instructions for Preparation of the Notification of Transmittal of the ISR, Etc. (ISA/220)

PATENT COOPERATION TREATY	
From the INTERNATIONAL SEARCHING AUTHORITY	
To: DAIRI,Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	PCT NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1)
Date of mailing (day/month/year)	
Applicant's or agent's file reference 5678H	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/JP2015/999999	International filing date (day/month/year) 25 February 2015
Applicant PATENT CORPORATION	
<p>1. <input checked="" type="checkbox"/> The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.</p> <p>Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46): When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report. How? Directly to the International Bureau of WIPO preferably through ePCT or on paper to, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70 For more detailed instructions, see <i>PCT Applicant's Guide, International Phase</i>, paragraphs 9.004 – 9.011.</p> <p>2. <input type="checkbox"/> The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.</p> <p>3. <input type="checkbox"/> With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that: <input type="checkbox"/> the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.</p> <p>4. <input checked="" type="checkbox"/> No decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.</p> <p>5. <input type="checkbox"/> The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. These comments will be made available to the public after international publication. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established.</p> <p>Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).</p> <p>Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months. For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.</p> <p>Within 22 months from the priority date, the applicant may request that a supplementary international search be carried out by a different International Searching Authority that offers this service (Rule 45bis.1). The procedure for requesting supplementary international search is described in the PCT Applicant's Guide, International Phase, paragraphs 8.006-8.052.</p>	
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office 9Z 9999 Telephone No. +81-3-3581-1101 Ext. 0011

Form PCT/ISA/220 (July 2017)

Check this box if the ISR is established.

Check this box if the ISA/203 (declaration of not-establishment the ISR) is established.

Check both of these boxes if there has been protest against the invitation of payment of additional fees.

This check box shall not be checked. The ISR is established after decision of protest against payment of additional fees is made in JPO.

Indicate art unit code, examiner's code, and telephone number. "Commissioner of the Patent Office" shall be described in the field "Authorized officer".

2.11 Procedures after Completion of ISR and WO/ISA

The Examiner shall note that the following operations may be carried out even after the ISR and WO/ISA is completed.

(1) Modifications of abstract

The applicant can submit modifications of the abstract¹, observations or both of them to the ISA within one month from the date of mailing of the ISR [R38.3].

Where the modification or observations is submitted, the examiner decides whether to modify the abstract accordingly and notify that result to the applicant and the IB [R38.3, S515].

For details of response to the submittal of the proposed modification or the observation, see Chapter 5. [→ § 5.8](#)

(2) Rectification of obvious mistakes

The request rectification of obvious mistakes can be submitted to the “Competent Authority” within 26 months from the priority date [R91.2].

Therefore, the applicant can request voluntary rectification of obvious mistakes in the description, the claims, or the drawings of the international application even after receiving the ISR and the WO/ISA.

If the rectification of the obvious mistakes is requested, the examiner shall decide authorize the rectification and notify that result to the applicant and the IB. For the details of the reaction in the case where the rectification of obvious mistakes is requested from the applicant, see chapter 5. [→ § 5.4.2](#)

(3) Modification of ISR and WO/ISA

The examiner modifies the ISR and the WO/ISA, if the modification of them is required after completion of them. For example, the examiner needs to modify the ISR and the WO/ISA in the cases of the following.

- Where the international filing date is changed as a result of correction or incorporation by reference. [→ § 5.13](#)

¹ The applicant can submit the proposed modifications of the abstract even where the Examiner has accepted the abstract in the ISR [R38.3].

- Where the priority date is changed as a result of correction, addition or withdrawal of priority claims → [§ 5.14.1](#)

Chapter 3

International Preliminary Examination Work

Chapter 3

International Preliminary Examination Work

Table of Contents

3.1	Introduction	1
3.1.1	Objective of the International Preliminary Examination	1
3.1.2	General Overview of Procedure in International Preliminary Examination Stage	1
3.1.3	Confidential Treatment	5
3.2	Specific Procedures of the Examiner in the International Preliminary Examination Stage	6
3.3	Consideration Performed in Starting International Preliminary Examination	7
3.3.1	Identification of Schedule	7
3.3.2	Identification of Bibliographic Items	7
3.3.3	Consideration of the Results of the International Search	7
3.3.4	Consideration Relating to Basis of International Preliminary Examination (Consideration Relating to Amendment and Rectification)	8
3.3.5	Consideration of the Exclusion from the International Preliminary Examination	13
3.3.6	Confirming Documents to be Prepared in the International Preliminary Examination Stage	14
3.4	Consideration Relating to the Intermediate Invitation	16
3.4.1	Invitation to Restrict Claims or Pay Additional Fees (Unity of Invention)	16
3.4.2	Invitation to Request Rectification of Obvious Mistakes	17
3.4.3	Invitation to Furnish the Sequence Listing	17
3.5	Decision of the Subject of Examination in International Preliminary Examination	19

3.6	Top-up Search	22
3.7	Consideration Whether to Establish the WO/IPEA or not	23
3.8	Consideration Performed in Preparing WO/IPEA or IPER.....	25
3.9	Instructions for Preparation of WO/IPEA	31
3.10	Instructions for Preparation of IPER.....	48
3.11	Attachment Annexes to IPER	66
3.12	Instructions for Preparation of the Notification of Transmittal of the IPRP (II) (IPEA/416).....	70
3.13	Procedures after Completion of WO/IPEA or IPER	71
3.13.1	Procedures after Completion of WO/IPEA	71
3.13.2	Procedures after Completion of IPER	71

3.1 Introduction

3.1.1 Objective of the International Preliminary Examination

International preliminary examination is an optional part of the processing of an international application, performed if the applicant files a demand.

The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step, and to be industrially applicable [A33(1)].

The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant [A33(6)].

3.1.2 General Overview of Procedure in International Preliminary Examination Stage

Fig. 3-1 shows a general overview of the general procedures in the international preliminary examination stage. The procedures in the international preliminary examination stage are generally classified into the following four steps. The following describes a summary of each step.

- Start of international preliminary examination → (1)
- Intermediate invitation → (2)
- Procedures relating to the WO/IPEA → (3)
- Establishment of the IPER → (4)

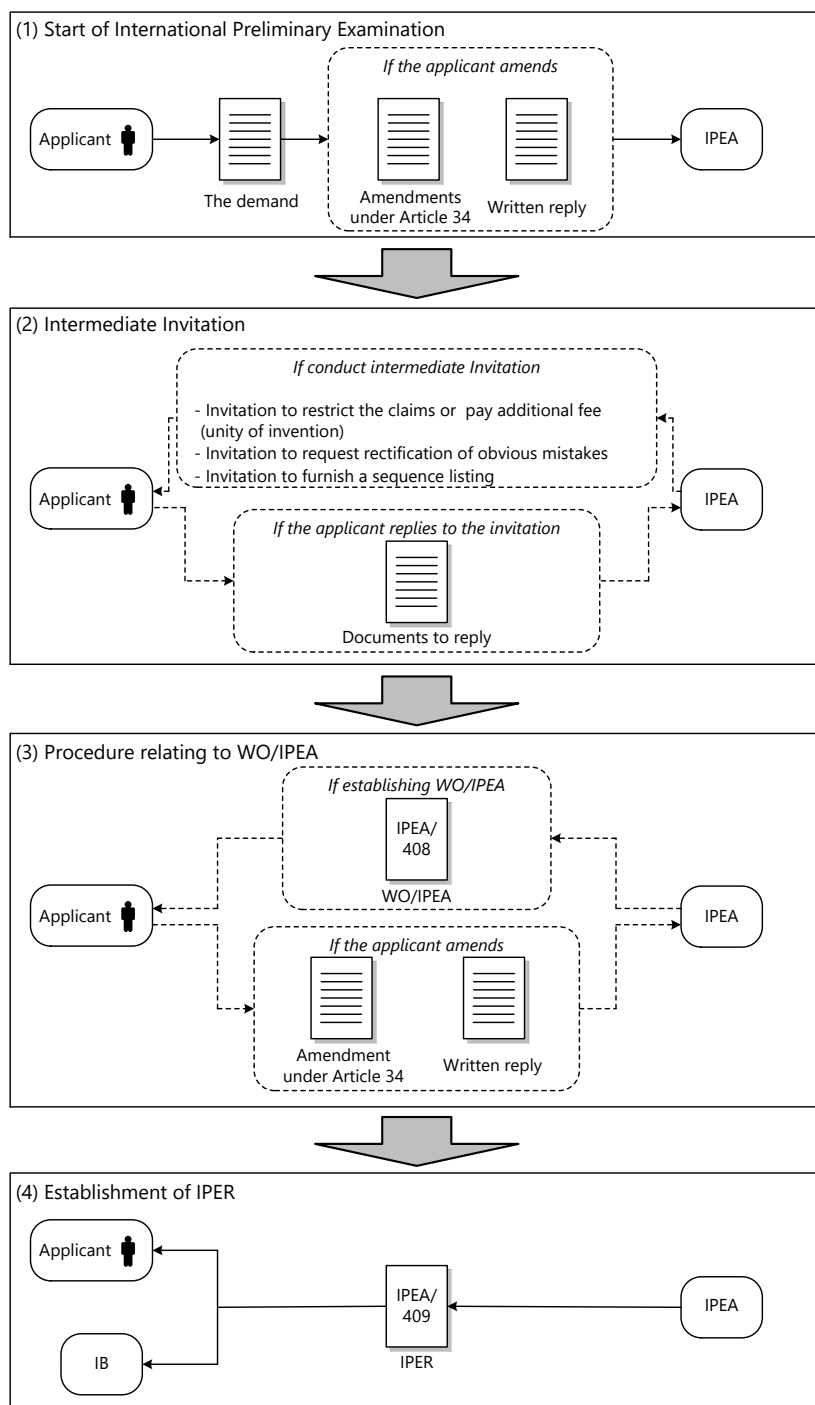


Fig. 3-1 General overview of the procedures in the international preliminary examination stage

(1) Start of the international preliminary examination

The applicant can demand the international preliminary examination at any time prior to the expiration of whichever of the following periods expires later ¹ [R54bis.1(a)]

- (i) Three months from the mailing date of the ISR and the WO/ISA to the applicant.
- (ii) 22 months from the priority date.

The IPEA shall start the international preliminary examination when it is in possession of all of the following [R69.1(a)]:

- The demand for the international preliminary examination
- The amount due (in full) for the handling fee and the preliminary examination fee
- ISR and WO/ISA

Here, depending on the request from the applicant, the IPEA is required to conform to the following all provisions a. to c. related to the start timing of the international preliminary examination.

a. Cases where the applicant expressly demand a postponement of the international preliminary examination [R69.1(a)]	<p>The IPEA shall not start the international preliminary examination before the deadline expires on the later of the following dates.</p> <ul style="list-style-type: none"> • Three months from the date of transmittal of the ISR and the WO/ISA • 22 months from the priority date
b. Cases where the applicant desires that amendments under Article 19 are to be taken into account [R69.1(c)]	<p>The IPEA shall not start the international preliminary examination before it has received a copy of the amendments under Article 19.</p>
c. Case where there is an indication that amendments under Article 34 are submitted with the demand for the international preliminary examination but no such amendments are, in fact, submitted [R69.1(e)]	<p>The IPEA shall not start the international preliminary examination before occurrence of any one of the followings:</p> <ul style="list-style-type: none"> • reception of the amendments under Article 34 by the IPEA; and • Expiration of the time limit fixed in the invitation by the IPEA to the applicant for submission of the amendments under Article 34 [60.1(g)].

¹ In this section, if the ISR has been prepared because the all claims had been excluded from the international search stage, “ISR” shall be replaced with “ISA/203 (Declaration of non-establishment of the ISR)”.

Incidentally, in a case where the national Office that acts as the ISA also acts as the IPEA, the international preliminary examination may be started at the same time as the international search¹, under a specific condition, if that national Office so wishes [R69.1(b)].

However, JPO does not use an option of wishing that the international preliminary examination starts at the same time as the international search.

(2) Intermediate invitation

The IPEA, as appropriate, conducts the intermediate invitation for the applicant in the cases of the following (i) to (iii). → [§ 3.4](#)

- (i) Where the requirements of unity of invention are not complied with.
 - Invitation to restrict claims or to pay additional fees [A34(3)(a), R13, R68]
- (ii) Where obvious mistakes are contained.
 - Invitation to request rectification of obvious mistakes [R91.1(h)]
- (iii) Where the sequence listing complying with the predetermined standard is not furnished.
 - Invitation to furnish the sequence listing [R13^{ter}.1, R13^{ter}.2S208, Annex C of PCT Administrative Instruction]

(3) Procedure relating to WO/IPEA

The IPEA prepares the WO/IPEA as necessary (→ [§ 3.7](#)) to notify the applicant [R66.2(a)].

The notification invites the applicant to submit a written reply together, where appropriate, with amendments, fixing a time limit for reply [R66.2(c), (d)].

The applicant may respond to the invitation by submitting a written reply or amendments [R66.3(a)].

¹ However, this shall not apply to, if the applicant wishes that the start of the international preliminary examination is to be postponed [R69.1(d)], or there is an indication that amendments under Article 34 are submitted with the demand for the international preliminary examination [R69.1(e)].

(4) Establishment of IPER

The IPEA establishes the IPER and transmits it to the applicant and the IB within the prescribed time limit [A35(1), R71.1].

a. Overview of the IPER

The IPER contains a statement whether the claimed invention appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability [A35(2), R70]. The IPER is established taking into account any amendments or written reply to the WO/ISA or the WO/IPEA which precede it [GL17.03].

b. Expiration date of the time limit for establishing the IPER

The time limit for preparing the IPER expires on the latest of any of the following date [R69.2].

- (i) 28 months from the priority date
- (ii) Six months from the time for the start of the international preliminary examination → [\(1\)](#)
- (iii) Six months from the date of receipt by the IPEA of the translation (→ [§ 1.5.5](#)) furnished in the international preliminary examination stage

3.1.3 Confidential Treatment

The IPEA shall, not allow access to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the IPER has been established, unless requested or authorized by the applicant [A38(1)].

The term “access” covers any means by which third parties may acquire cognizance, including individual communication and general publication [A30(4), A38(1)].

3.2 Specific Procedures of the Examiner in the International Preliminary Examination Stage

Fig. 3-2 shows general procedures which the examiner performs in the international preliminary examination stage. Details of specific work to be performed in each procedure will be expounded hereunder.

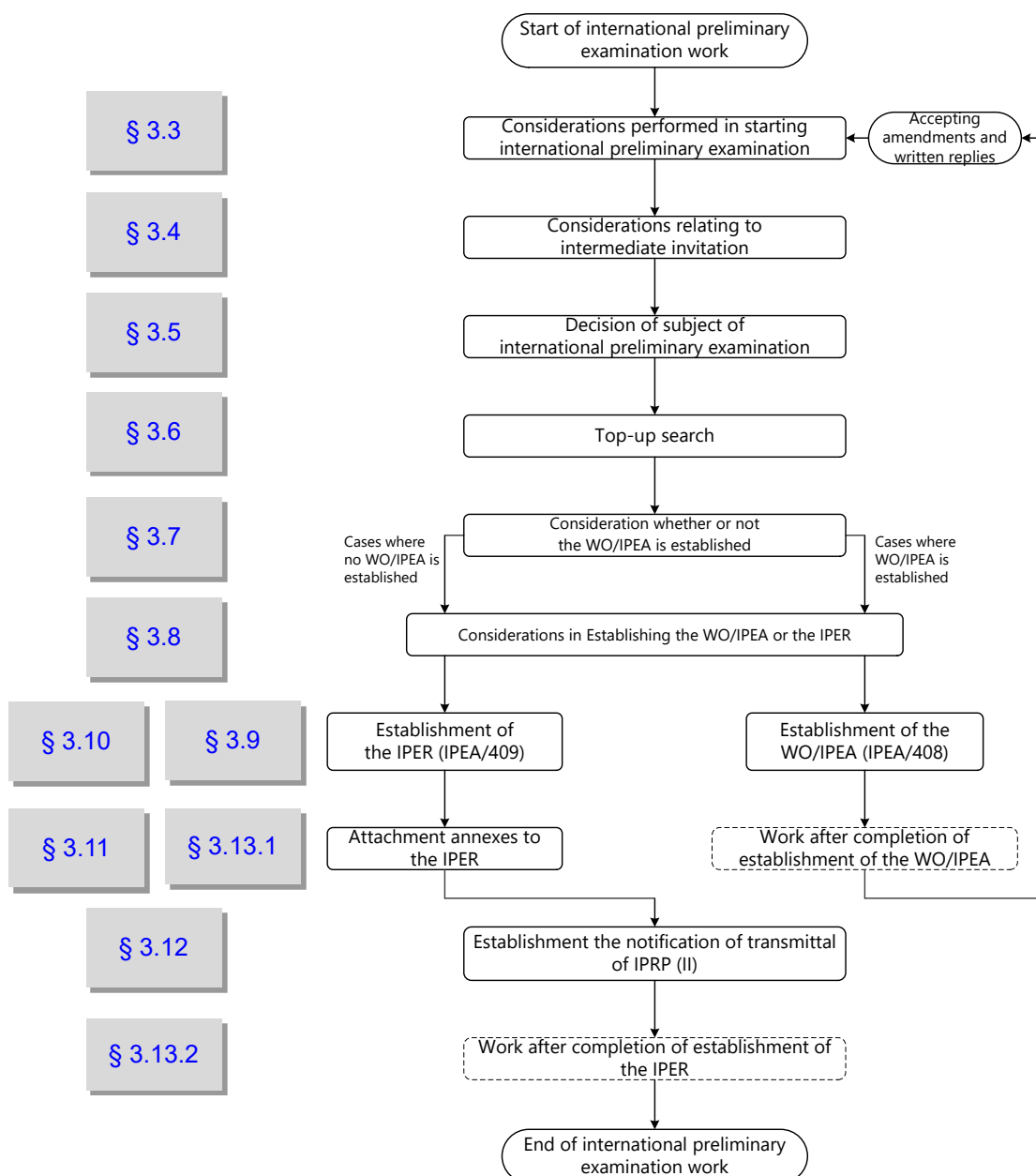


Fig. 3-2 General procedures of international preliminary examination work

3.3 Consideration Performed in Starting International Preliminary Examination

3.3.1 Identification of Schedule

The examiner identifies the deadline on the schedule table for the international preliminary examination immediately after receiving international application with request for international preliminary examination, and appropriately manages time so that work is completed by the deadline.

In addition, at the second and subsequent round of the examination in the international preliminary examination stage, the schedule table shall be always identified.

Incidentally, for treatment in a case where the international preliminary examination is requested before mailing of the ISR or within two months from the mailing, see Chapter 5. [→ § 5.12](#)

3.3.2 Identification of Bibliographic Items

The priority date can be changed by the procedures of the applicants due to the change of the priority claim, if the following documents have been transmitted from the RO or the IB, even after the international preliminary examination has started ([→ § 3.1.2 \(1\)](#)). [→ § 5.14.1](#)

- Form PCT/RO/111 “Notification Relating to Priority Claim”
- Form PCT/RO/136 “Notification of Withdrawal”
- Form PCT/IB/318 “Notification Relating to Priority Claim”
- Form PCT/IB/317 “Notification of Withdrawal of Priority Claim”

3.3.3 Consideration of the Results of the International Search

The examiner takes the result of the international search (contents of the ISR and the WO/ISA) into account, when conducting the international preliminary examination [A33(6)].

Where the supplementary international search¹ has been conducted and the supplementary international search report (SISR) has transmitted from the IB, the examiner takes the contents of the SISR into account² [R45*bis*.8(b), S420(b)].

3.3.4 Consideration Relating to Basis of International Preliminary Examination (Consideration Relating to Amendment and Rectification)

The examiner identifies whether or not amendments under Article 19, amendments under Article 34, or requests for rectification of obvious mistakes is submitted from the applicant, and then, decides the basis of the international preliminary examination³ [66.1(c), (d), (d-*bis*)]. In a case where no such documents (i.e. amendments under Article 19, amendments under Article 34, or requests for rectification of obvious mistakes) are submitted, the international preliminary examination is conducted on the basis of the descriptions, claims, and drawings as filed.

On the other hand, in a case where any one of such documents is submitted, consideration is performed as follows to decide the basis of the international preliminary examination.

(1) Reaction in cases where the documents are submitted

a. Cases where the amendments under Article 19

Substantive requirements of the amendment are considered⁴. [→ \(2\)](#)

¹ The supplementary international search is a system prescribed in PCT Rule 45*bis*, the applicant can receive the supplementary international search report from the supplementary international search authority (SISA) by requesting to the IB.

² A supplementary international search report need not be taken into account by the examiner for the purposes of a WO/IPEA or the IPER if it is received by that Authority after it has begun to draw up that opinion or report [R45*bis*.8(c)].

³ The sheets of the followings are deemed to be part of “the international application as originally filed” [GL17.16].

- The replacement sheet submitted as amendment to respond against the invitation from the RO and marked with “SUBSTITUTE SHEET (RULE 26)”.
- The sheet submitted for correction or corporation by reference ([→ § 5.13](#)) after the filing.

⁴ Since amendments under Article 19 are documents submitted to the IB ([→ § 1.10.1 \(2\)](#)), the time of submission of the amendment is not considered in the IPEA.

Notes

Because amendments under Article 19 are documents to be submitted to the IB ([→ § 1.10.1 \(2\)](#)), the examiner decides the basis of the international preliminary examination by using a copy of amendments under Article 19.

A copy of amendments under Article 19 is normally sent from the IB to the IPEA (Form PCT/IB/337 is used.) [R62.1(ii)]. Meanwhile, it may be directly submitted by the applicant to the IPEA prior to the above sending from the IB to the IPEA (in normal cases, it is attached to the request for international preliminary examination) [R53.9(a)(i), R62.2]. The examiner only attaches any one of the copies of the amendments under Article 19 to the IPER as part of the Annexes thereto.

b. Cases where the amendments under Article 34

The applicant can submit amendments under Article 34 until the IPER is established [A34(2)(b)]. Here, the dealing with cases where amendments are submitted within any one of the following periods is different from that with the other cases.

- Period from the submission of the demand of the international preliminary examination to the start [R66.4*bis*]
- Period for reply to the WO/IPEA [R66.2(c), (d)]
- Period recognized by the examiner by the request form the applicant [R66.4(b)]

In a case where amendments under Article 34 is submitted within any one of the above periods, the examiner shall take the amendments into account [R66.1(d)].

Otherwise, the examiner may prepare the WO/IPEA or the IPER without taking the amendments into account. Here, unless no excessive load is burdened on the examiner, the amendment should be taken into account as far as possible.

(a) Cases where amendments are taken into account

Substantive requirements of the amendment are considered. [→ \(2\)](#)

(b) Cases where amendments are not taken into account

The descriptions, claims and drawing before amendments are used as the basis of the international preliminary examination.

In this case, the examiner, by using Form PCT/IPEA/432, prepares “Communication regarding amendments not taken into account” (IPEA/432) to notify the applicant of that the amendments are not taken into account. → § 5.11

c. Cases where the request for rectification of obvious mistakes is submitted

In a case where the examiner authorized the rectification of obvious mistakes in the international search stage, the international preliminary examination is conducted in consideration of the rectification [R66.1(d-bis)].

In a case where the request rectification of obvious mistakes is submitted after starting the international preliminary examination, the examiner promptly determines the possibility of the rectification, and prepares IPEA/412 (Notification of decision concerning request for rectification). → § 5.4.2

In a case where the examiner authorized the rectification of obvious mistakes in the international preliminary examination stage, the international preliminary examination is conducted in consideration of the rectification¹ [R66.1(d-bis)].

(2) Consideration concerning substantive requirements for amendments

a. Determination concerning substantive requirements

The determination concerning substantive requirements for amendments is made based on whether or not the amendments add the contents which go beyond the disclosure in the international application as filed (hereinafter referred to as “new matter”) (→ § 4.8)

Units for determination on substantive requirements for amendments are as follows:

- Description: each page of the description in principle²
- Claims: each claim
- Drawing: each drawing

¹ Where the rectification of the obvious mistakes in the description, claims or drawings as filed has been authorized, the replacement sheet for such rectification is deemed to be part of the international application as originally filed [GL17.16].

² In the case where the amendments are made in multiple parts of the same page of the description and these amendments can be distinguished from each other if the applicant's explanations provided in the letter are taken into consideration, substantive requirements for these amendments are determined separately.

In cases where the new matter has not been added to any of the pages of the description, claims, or drawings after the amendments, it is determined that the amendments to said page of the description, claims, or drawings satisfy substantive requirements. On the other hand, in cases where the new matter has been added, it is determined that substantive requirements are not satisfied.

b. Actions after the determination

In cases where the examiner determined that the amendments satisfies substantive requirements, the page of the description, claims, or drawings after the amendment are included as the basis of the international preliminary examination. On the other hand, in cases where the examiner determined that an amendment does not satisfy substantive requirements, the basis of the international preliminary examination is determined by considering that said amendment has not been made [R70.2(c)].

Specific actions are as follows (i) to (iii)¹.

- (i) In cases where the new matter has not been added to the page of the pages of the description, claims, or drawings after the amendment, the amendment to said page of the description, claim, or drawing satisfies substantive requirements. Therefore, the pages of the description, claims, or drawings after the amendment are included as the basis of the international preliminary examination.
- (ii) In cases where new matter has been added to the pages of the description, claims, or drawings after the amendment, the amendment to said page of the description, claim, or drawing does not satisfy substantive requirements. Therefore, the pages of the description, claims, or drawings

¹ In the following explanation, the pages of the description, claims, or drawings “before amendment” refer to the case where the new matter has not been added. If amendments have been submitted multiple times, and if the new matter has been added to the page of the description, claims, or drawings immediately before the amendments, they are not considered as the basis of the international preliminary examination.

before the amendment are included as the basis of the international preliminary examination¹.

- (iii) With respect to the page of the description or drawing for which a replacement sheet has not been submitted and which has not been cancelled, said page or drawing has not been amended. Therefore, the page or drawing before the amendment shall be included as the basis of the international preliminary examination².

See Appendix C, for the more detailed explanation and case examples relating to the determination of the basis of the international preliminary examination in the cases where amendments have been made. [→ Appendix C](#)

c. Actions when the ground for the amendment is not indicated

In cases where, because the ground³ for the amendment is not indicated in the letter ([→ Notes](#)) accompanied with replacement sheet for the amendment and the determination whether or not the amendment satisfies substantive requirements can be made, the examiner makes an informal communication ([→ § 5.3.2](#)) with the applicant and requires the applicant to explain the ground for the amendment.

In cases where, although an informal communication has been made, explanations are not made to the extent that the determination whether or not the amendment satisfies substantive requirements can be made, such cases are also handled in the same manner as when the examiner determines that the amendment does not satisfy the substantive requirements (the amendment is determined as constituting addition of the new matter) [R70.2(c-*bis*)]. [→ b.](#)

¹ In the case where the amendments are made in multiple parts of the same page of the description and these amendments can be distinguished from each other if the applicant's explanations provided in the letter are taken into consideration, substantive requirements for these amendments are determined separately.

² In cases where the claims are amended, the applicant shall be required to submit a replacement sheet or sheets containing a complete set of claims in replacement of all the claims [R46.5(a), R66.8(c)].

³ The ground for amendment needs to be specific enough to identify a location in the description. A vague explanation (e.g. See the description; or See the example) fails to give any ground.

Notes

What is “letters”?

The “letters” means documents pertaining to the set of documents including each replacement sheet submitted for amendments under Article 19, for amendment under Article 34, or for rectification of an obvious mistake, other than the replacement sheet and the “Statement under Article 19(1)” ([→ § 1.10.1 \(4\)](#)). Any sheet in which bibliographic items are stated (i.e., a cover sheet), etc. is also part of the “letters”.

The following content is stated in the “letters” [R66.8(a), (c), R46.5(b), R91.2, R26.4].

(a) Any letter for amendments under Article 19 or amendments under Article 34

- Drawing attention to the differences between before amendment and after amendment
- Indication of locations of the recitations supporting the amendments in the original international application at the time of filing of the international application (description, claims, etc.)

(b) Any letter for rectification of obvious mistakes

- Drawing attention to the difference between the sheet to be replaced and the replacement sheet

3.3.5 Consideration of the Exclusion from the International Preliminary Examination

The examiner considers on the exclusion from the international preliminary examination.

Where claims constituting the basis of the international preliminary examination ([→ § 3.3.4](#)) include any of the following, it can be excluded from the international preliminary examination. The examiner determines the exclusion from international preliminary examination on the basis of descriptions of the reference.

- Subject matter that does not need a search [→ § 4.1.1](#)
- An invention for which a meaningful search cannot be performed as a result of the description the claims or the drawings failing to meet description requirements [→ § 4.1.2](#)
- An invention for which a meaningful search cannot be performed because of a lack of an obtainable sequence listing [→ § 4.1.3](#)
- An invention for which no ISR has been established [→ § 4.1.4](#)

The “Invention for which no ISR is established” ([→ § 4.1.4](#)) can be excluded in the international preliminary examination stage unlike in the international search stage ([→ § 2.3.5](#)).

Where the examiner excludes particular claims or limited the subject of the examination relating to particular claims as a result of the determination above, the examiner shall consider the exclusion or the limitation in work of the following.

- Determination unity of invention during intermediate invitation¹ [→ § 3.4.1](#)
- Decision of the subject of examination in international preliminary examination² [→ § 3.5](#)
- Indication the exclusion from international preliminary examination, etc.³ [→ § 3.8 \(1\)](#)

3.3.6 Confirming Documents to be Prepared in the International Preliminary Examination Stage

The examiner identifies documents to be prepared in the international preliminary examination stage by reference to Table 3-1. When necessary, documents other than these documents are also established.

Where the language of the international application is Japanese, the JPO acting as the IPEA (IPEA/JP) prepares documents in Japanese. On the other hand, where it is English, the IPEA/JP prepares documents in English⁴ [R70.17] ([→ § 1.12.4 \(3\)](#)).

¹ Unity of Invention is determined on the basis of the claims after excluding the claims to be excluded ([→ § 3.4.1](#)).

² The subject of examination in international preliminary examination is decided on the basis of the claims after excluding the claims to be excluded ([→ § 3.5](#)).

³ If particular claims is excluded or the subject of examination on particular claims is limited, the examiner indicate that in the WO/IPEA and the IPER ([→ § 3.8 \(1\)](#)).

⁴ Where the language of the international application is neither Japanese nor English, the IPEA/JP prepares documents in the language of the translation of the international application ([→ § 1.5.5](#)).

Table 3-1 Documents to be prepared in the international preliminary examination stage

Document title [Form to be used: Reference to Instructions for preparation]	At the time of preparing the WO/IPEA * Prepare only when necessary (→ § 3.7)	At the time of preparing the IPER
Written opinion of the international preliminary examining authority (WO/IPEA) [Form PCT/IPEA/408: → § 3.9]	O	–
International preliminary examination report (IPER) [Form PCT/IPEA/409: → § 3.10]	–	O
Notification of transmittal of international preliminary report on patentability (Chapter II of the Patent Cooperation Treaty) (IPEA/416) [Form PCT/IPEA/416: → § 3.12]	–	O

3.4 Consideration Relating to the Intermediate Invitation

The examiner considers the necessity for the following intermediate invitations (i) to (iii) at the first round of the international preliminary examination stage.

- (i) Invitation to restrict claims or pay additional fees [→ § 3.4.1](#)
- (ii) Invitation to request rectification of obvious mistakes [→ § 3.4.2](#)
- (iii) Invitation to furnish the sequence listing [→ § 3.4.3](#)

The examiner prepares required documents within the period shown in the schedule table of the international preliminary examination stage ([→ § 3.3.1](#)) in a case where the examiner judges that the intermediate invitations are required.

3.4.1 Invitation to Restrict Claims or Pay Additional Fees (Unity of Invention)

The examiner determined concerning unity of invention for the international application as consideration on intermediate invitation¹.

As a result of consideration, in a case where it is determined that the international application does not satisfy the requirements of unity of invention, the examiner invites the applicant to restrict claims or pay additional fees corresponding to the number of “additional inventions” (the number of inventions other than “main invention”)² [A34(3)(a)]. In this case, the examiner prepares, by using Form PCT/IPEA/405, “Invitation to restrict or pay additional fees and, where applicable, protest fee” (IPEA/405) [R68.2, GL10.74]

Here, in a case where the examiner determines that the international preliminary examination can be carried out for all of the additional inventions without burden or with almost no burden, IPEA/405 is not prepared³ [GL10.76].

¹ Unity of invention is determined on the basis of the claims after excluding the claims to be excluded, where the examiner excludes particular claims in “consideration of the exclusion from international preliminary examination” ([→ § 3.3.5](#)). [→ § 4.2](#)

² As a result of inviting the applicant to restrict or pay the additional fees, a protest for the additional fees may be made by the applicant together with full payment of the additional fees [R68.3(c)]. For the response to the protest for the additional fees, see Chapter 5. [→ § 5.2.4](#)

³ Even in this case, the WO/IPEA or the IPER mentions that it is determined that the requirements of unity of invention are not satisfied [R68.1, GL10.76].

For the criteria to determine whether the requirement of unity of the invention is satisfied and the method for calculating the number of inventions, see Chapter 4.
[→ § 4.2](#)

For details of the invitation to pay additional fees (for example, instructions for preparation of IPEA/405), see Chapter 5. [→ § 5.2.2](#)

3.4.2 Invitation to Request Rectification of Obvious Mistakes

In a case where the examiner finds obvious mistakes in the description, claims or drawings of the international application constituting of the basis of the international preliminary examination, the examiner can invite the applicant to request for rectifying the mistakes [R91.1(h)].

Criteria for determining applicability to “obvious mistakes” are the same as in the international search stage. [→ § 2.4.2](#)

When the intermediate invitation concerning the obvious mistakes is carried out, the examiner prepares, by using Form PCT/IPEA/411, the “Invitation to request rectification of obvious mistakes” (IPEA/411).

For details of the invitation to request rectification of obvious mistakes (for example, instructions for preparation of IPEA/411), see Chapter 5¹. [→ § 5.4.1](#)

3.4.3 Invitation to Furnish the Sequence Listing

In the case where the international application includes disclosure of the nucleotide or amino acid sequence and the sequence listing satisfying the predetermined standard is not furnished², the examiner considers the necessity to invite the applicant to furnish it. When inviting to furnish it, the examiner prepares, by using Form PCT/IPEA/441, the “Invitation to furnish nucleotide and/or amino acid sequence listing and to pay, where

¹ In a case where the “Request for rectification of obvious mistakes” is submitted from the applicant as a response to IPEA/411, the examiner prepares, by using Form PCT/IPEA/412, the “Notification of decision concerning request for rectification” (IPEA/412). In addition, the “Request for rectification of obvious mistakes” may be submitted voluntarily by the applicant. In this case too, the examiner prepares the IPEA/412. For details relating to preparation of the IPEA/412, see Chapter 5. [→ § 5.4.2](#)

² If the sequence listing satisfying the predetermined standard has been furnished, the examiner does not invite to furnish the sequence listing in the international preliminary examination stage [S610(f)].

applicable, late furnishing fee” (IPEA/441).

For details on the invitation to furnish the sequence listing (for example, instructions for preparation of IPEA/441), see Chapter 5. [→ § 5.5.2](#)

3.5 Decision of the Subject of Examination in International Preliminary Examination

The examiner shall decide the subject of examination in the international preliminary examination as follows in accordance with whether amendment has been made to the claims after the time when the examiner has been judged on unity of invention ([→ § 3.4.1](#)) as the intermediate invitation.

As a general rule, the subject of the examination is determined based on the claims constituting a basis of the international preliminary examination ([→ § 3.3.4](#)). However, if particular claims have been excluded after the “consideration of the exclusion from the international preliminary examination” ([→ § 3.3.5](#)), the examiner shall decide the subject of examination based on the claims after exclusion of such claims.

(1) In the cases where no amendment has been made to the claims after the consideration on the intermediate invitation

Depending whether or not IPEA/405 was notified as the intermediate invitation, the examination decides the subject of examination in the international preliminary examination.

a. Cases where IPEA/405 was not notified as the intermediate invitation

The examiner examines all claims¹.

b. Cases where IPEA/405 was notified as the intermediate invitation

Depending on response by the applicant against the notification of IPEA/405, the examiner decides the subject of examination as follows.

(a) Cases where required additional fees are paid in full

The examiner examines all claims².

¹ Where IPEA/405 was not notified as the intermediate invitation even though the requirements of unity of invention are not satisfied, the examiner examines all claims.

² If required additional fees are paid in full, even though the applicant protests against the additional fees, the examiner examines all claims.

(b) Cases where no or a part of required additional fees are paid

The examiner examines the following claims:

- (i) The claims classified into “main invention” in IPEA/405
- (ii) The claims classified into the “additional invention” for which additional fees have been paid by the applicant, within the claims classified into the “additional invention”¹ in IPEA/405

Hence, where no or little additional examination effort, the examiner examines “additional claims” to which additional fees has not been paid.

(c) Cases where the claims was restricted

The subject of examination which the applicant wishes becomes clear by the restriction of the claims ([→ Notes](#)). Where the claims was restricted, normally, the examination examines all claims included in the claims after the restriction.

However, in the cases where the claims after the restriction does not comply the requirement of unity of invention, the examiner examines the claims classified into “main invention”² in the claims after the restriction³ [A34(3)(c), R68.4].

Notes

Restriction of the claims

When the applicant restricts the claims to response to the notification of IPEA/405, normally, “Restriction of the claims” is submitted [MO Article 59].

Restriction is different procedure than amendment, so even if the claims was restricted, where no amendment to the claims is made, the claims does not change. Therefore, in such case, the claims constituting of the basis of the international preliminary examination ([→ § 3.3.4](#)) does not change, too.

¹ If only a part of the required additional fees are paid, for the number of the “additional inventions” to which such paid fees can apply, the additional fees are deemed to have been paid according to the order that the examiner judges as main (if the judgement is difficult, the order listed in the claims) [MO Article 60].

² As a general rule, the examiner considers “a group of inventions so linked as to form a single general inventive concept” relating to “main invention” in IPEA/405 as “main invention” of the claims after the restriction.

³ Where the additional fees have been paid together with the restriction of the claims, the examiner examines the claims classified into “additional invention” corresponding to the number of the “additional inventions” to which such paid fees can apply.

(2) In the cases where the claims has been amended after the consideration on the intermediate invitation

Even if the claims have been amended after the time of consideration on the intermediate invitation, it is rare that a determination related to unity of invention changes largely by that. Accordingly, even in such case, the subject of examination shall be decided pursuant to “in the cases where no amendment has been made to the claims” ([→ \(1\)](#)) as a general rule¹.

¹ In this regard, however, in a case such as where the number of additional inventions included in the claims has been increased as a result of amendment having been made to the claims after the time of consideration on the intermediate invitation, when excessive burden is expected for the examiner if the subject of examination is determined pursuant to the above-mentioned (1), IPEA/405 may be prepared even after expiration of the due date of the intermediate invitation. When IPEA/405 is prepared, the subject of examination shall be determined upon receipt of a reply from the applicant to that.

3.6 Top-up Search

A major object of a top-up search is to discover related documents that have been published or have become available after the establishment of ISR [R66.1ter, GL19.19].

The examiner needs to perform top-up searches at least on the occasion of the first round in the international preliminary examination stage.

Meanwhile, the examiner shall note the following points on the occasion of performing top-up searches

- Top-up search is conducted with respect to claims¹ having been made to be the subject of the examination ([→ § 3.5](#)) in the international preliminary examination [GL19.17].
- The examiner shall conduct a search for discovering documents corresponding to “Documents to be discovered in the prior art search” ([→ § 2.6.2 \(3\)](#)) among documents that have been published or have become available after the date on which ISR has been established (or the date on which the last top-up search was conducted) [R66.1ter, GL19.19].
- A top-up search includes an additional search that is required because the submission of an amendment or a response has been made.

A result of a top-up search shall be stated in item 6 of Box No. I of the IPER.
[→ § 3.10 \(2\) b.](#)

¹ Where the all claims are excluded for the international preliminary examination ([→ § 3.3.5](#)), top-up searches do not need to be conducted because there is no claim that is to be the subject of examination existing [GL 19.15].

3.7 Consideration Whether to Establish the WO/IPEA or not

Where the international preliminary examination has been requested, the WO/ISA, in JPO, is considered as the first WO/IPEA¹ ([→ § 1.12.3](#)).

The examiner shall determine, on the basis of the following statements, whether to establish the second and later WO/IPEA while taking the contents of a furnished amendment and a response and the result of the top-up search into consideration.

(1) First round in the international preliminary examination stage

Where the negative opinion exists and each cases of the following (i) to (iii) is applied, the examiner establishes the second WO/IPEA (first written opinion in the international preliminary examination stage). [→ Comments](#)

- (i) Where substantially meaningful² amendment has been made to the claims after the preparation of the WO/ISA.
- (ii) Where the applicant is making the substantially meaningful arguments in the written reply.
- (iii) Where the new negative opinion which has been pointed out in the WO/ISA is pointed out.

Meanwhile, a “negative opinion” in this section means an opinion that falls within any of the followings.

- When pointing out that any of amendments does not satisfy the substantive requirements for amendment. (Box No. I)
- When any of the claims is excluded from the international preliminary examination. (Box No. III)
- When denying novelty, inventive step or industrial applicability of any of the claims. (Box No. V)
- When citing “E, X” documents, “E, Y” documents, “O, X” documents or “O, Y” documents. (Box No. VI)

¹ JPO may act as IPEA only when JPO has conducted the international search under Article 3 and Annex A of the agreement ([→ § 1.6.1 \(4\)](#)) between the Japan Patent Office and the IB. Where the national Office which acts as ISA is also acting as IPEA, the WO/ISA is considered as the WO/IPEA [R66.1*bis*(a), (b)]. Therefore, the WO/ISA, in JPO, is considered as the first WO/IPEA.

² The examiner determines whether or not the amendments or the arguments are substantially meaningful considering whether the endeavor to resolve the negative opinion can be understood.

- When pointing out “defect of form or contents”. (Box No. VII)
- When pointing out violations of description requirements accompanied by “significant and pertinent issues”

Comments

Where the WO/ISA is considered as the first WO/IPEA, if the negative opinions exist, it is not an obligation to establish an additional written opinion [GL19.24]. However, in JPO acting as IPEA, where the negative opinion exists and each cases of the above (i) to (iii) is applied, the examiner establishes the second WO/IPEA (the first written opinion in the international preliminary examination stage) in order to give the application the opportunity to resolve such negative opinion.

(2) Second and later round in the international preliminary examination stage

In the cases of the following (i) or (ii), it is prefer to establish the third and later WO/IPEA (the second and later written opinion in the international preliminary examination stage). However, if the time limit for drafting a written opinion indicated in the schedule table of the international preliminary examination stage has expired, a WO/IPEA shall not be prepared, but an IPER shall be established.

- (i) Where a document that falls under any of the followings has been newly discovered in the top-up search ([→ § 3.6](#)) conducted after the last round.
 - “X” document, “Y” document
 - “E, X” document, “E, Y” document
 - “O, X” document, “O, Y” document
- (ii) Where the examiner can recognize that, although there still exist “negative opinions”, the applicant is trying to resolve the “negative opinions” (for example, where the substantially meaningful amendment is made, where certificates of experimental results are submitted), and the examiner had a firm belief that the negative opinion would be solved by notification of the additional written opinion.

3.8 Consideration Performed in Preparing WO/IPEA or IPER

The examiner shall determine novelty, inventive step and industrial applicability, in establishing the WO/IPEA or the IPER. See Chapter 4, for each criterion thereof.

- Novelty → § 4.4
- Inventive step → § 4.5
- Industrial applicability → § 4.6

In addition to these determinations, the following matters shall be considered.

- Forms and Boxes to indicate the exclusion from the international preliminary examination, etc. → (1)
- Unity of invention → (2)
- Priority → (3)
- The sequence listing on which the international search is based → (4)

(1) Forms and boxes to indicate the exclusion from the international preliminary examination, etc.

As a result of the determination in “consideration of the exclusion from the international preliminary examination” (→ § 3.3.5), where particular claims are excluded¹ from the international preliminary examination or the subject of examination on particular claims is limited, the examiner points out that in the WO/IPEA and the IPER according to Table 3-2.

¹ Cases where particular choices of any claim is excluded (→ § 4.1 *Attention*) is included.

Table 3-2 Form and box to indicate the exclusion from the international preliminary examination, etc.

Case	Reason for Exclusion or Limitation	Form, Box. Particulars to be Specified
a. Cases where particular claims are excluded	a.1 all reasons (→ § 4.1)	Form, Box WO/IPEA, Box No. III. IPER, Box No. III Particulars to be Indicated • Claim number to be excluded ¹ • Reason for exclusion
b. Cases where subject of examination is limited in particular claims Example 1: Cases where particular claims are not excluded, but the examination is carried out on a limited section where a meaningful examination is possible Example 2: Cases where particular claims are not excluded, but the examination is carried out based on a reasonably expectable amendment	b.1 • “A section no meaningful examination of which is possible, as a result that the description, claims, or drawings do not satisfy description requirements” (→ § 4.1.2)	Form, Box WO/IPEA, Box No. VIII ² IPER, Box No. VIII ² Particulars to be Indicated • Specific scope of subject of examination • Specific reason for limitation of subject of examination (specific contents that violate description requirements, which constitute cause of limitation)
	b.2 • “Subject matter that requires no examination” (→ § 4.1.1)	Form, Box WO/IPEA, Box No. V IPER, Box No. V Particulars to be Indicated • Specific scope of subject of examination • Specific reason for limitation of subject of examination

(2) Unity of invention

The examiner generally establishes a WO/IPEA or an IPER based on the consideration on unity of invention during the intermediate invitation. Hence, where the claims is amended or restricted after the time of such consideration, unity of invention is reconsidered at the time of the establishment of the IPER. And, where no amendment or no restriction to the claims is made, if appropriate, unity of invention may be

¹ Whether a claim is excluded is generally determined for each claim ([→ § 4.1 Attention](#)). In the case where particular choices in the claim are excluded, in addition to the number of claims to be excluded, the choices to be excluded should be specified.

² The specific scope of the examination should be set out in Box No. VIII, and may be additionally set out in Box No. V.

reconsidered¹. In the case where a protest against payment of the additional fees has been submitted by the applicant, the examiner shall follow the consideration result of the IPEA/420 (decision on protest against payment of the additional fees)²

For the criteria to determine whether the requirement of unity of the invention is satisfied and the method for calculating the number of inventions, see Chapter 4.
[→ § 4.2](#)

The examiner shall employ Box No. IV in establishing the WO/IPEA or the IPER in any of the following cases. Also, the examiner describes the determination result with regard to unity of invention as appropriate.

- Where IPEA/405 (invitation to restrict or the pay additional fees) has been notified as the intermediate invitation ([→ § 5.2.2 \(2\) c.](#))
- Where IPEA/405 has not been notified as the intermediate invitation but the requirements of unity of invention are determined to not be complied with in preparing the WO/IPEA or the IPER

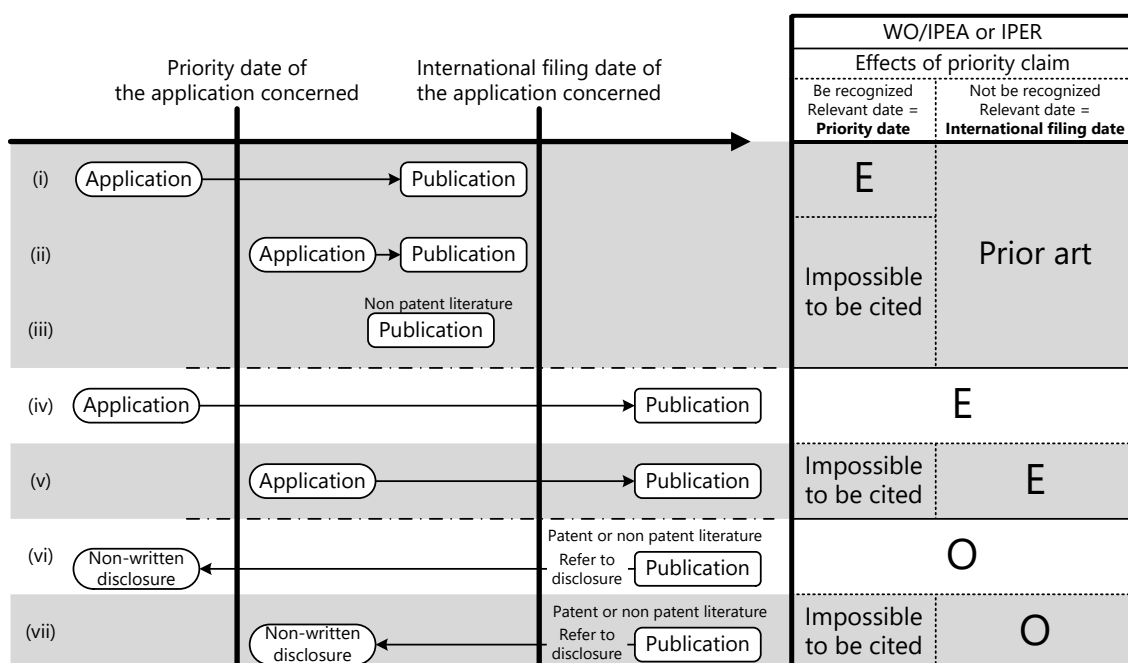
(3) Priority

a. Necessity of consideration relating to priority claims

Where the documents which correspond to the any of (i) to (iii), (v) or (vii) in Fig. 3-3 of the following have been cited in the WO/IPEA or the IPER, the examiner needs to consider the priority claim. Otherwise, the examiner does not need to consider the priority claim [GL6.06].

¹ As a result of the reconsideration, in the case where a different result of consideration has been obtained other than that during the intermediate invitation ([→ § 3.4.1](#)), such a result of the reconsideration, as necessary, is given in the WO/IPEA or the IPER. However, even in such a case, it should be noted that the subject of examination in the international preliminary examination is determined based on “decision of the subject of examination in the international preliminary examination” ([→ § 3.5](#)).

² For the response to the protest on the payment of the additional fees, see Chapter 5. [→ § 5.2.4](#)



Note 1: In the case of (i) - (iii), (v), (vii) (Shaded parts), when establishing the WO/IPEA or IPER, the examiner is required to determine whether or not the effects of priority claim can be recognized.

Note 2: The (Application) shown above means an earlier application serving as the basis for the priority claim.

Fig. 3-3 Documents which cause consideration relating to the priority claim

Attention

- It shall be determined substantively as to whether or not the effect of the priority claim is recognized for each claim in principle (→ § 4.9). Therefore, where it has been determined substantively as to whether or not the effect of the priority claim is recognized in establishing the WO/ISA (→ § 2.7.3 (1) b. (b)), and the claims have not been amended after that, the determination result may be utilized when establishing the WO/IPEA or the IPER.
- It is necessary to confirm the content of the earlier patent application on which the priority claim is based at the international preliminary examination stage unlike at the international search stage in determining substantively as to whether or not the effect of the priority claim is recognized [R66.7, GL6.06, GL17.29]. Therefore, even where the content of the earlier patent application has not been confirmed in establishing the WO/ISA (→ § 2.7.3 (1) b. (c)), it is necessary to confirm the content and to determine substantively as to whether or

not the effect of the priority claim is recognized at the international preliminary examination stage.

b. Consideration relating to the priority claim

(a) Determination as to whether or not the effect of the priority claim is recognized

It shall be determined as to whether or not the effect of the priority claim is recognized in the same manner as that of the international search stage in consideration of the priority claim.

That is, the content of the request is checked first ([→ § 2.7.3 \(1\) b. \(a\)](#)), provided no deficiencies are found, it is determined substantively as to whether or not the effect of the priority claim is recognized ([→ § 2.7.3 \(1\) b. \(b\)](#)).

It is necessary to confirm the content of the earlier patent application on which the priority claim is based at the international preliminary examination stage unlike at the international search stage in determining substantively as to whether or not the effect of the priority claim is recognized [R66.7, GL6.06, GL17.29]. Since the international application is usually published, the content of the earlier patent application can be confirmed through the WIPO website¹, etc.

Moreover, the following determination is conducted according to the international search stage.

- Decision of the relevant date for purposes of WO/IPEA or IPER [→ § 2.7.3 \(1\) c.](#)
- Treatment of documents in WO/IPEA or IPER [→ § 2.7.3 \(2\)](#)

¹ <http://patentscope.wipo.int/search/en/search.jsf>

(b) The particular matters to be indicated with regard to the priority claim

As results of determination of (a), each cases of the following is applied, the examiner indicates that in Box No. II of the WO/IPEA or the IPER.

- Where the effect of no priority claims is recognized ([→ \(a\)](#)).
- Where supposed that the effect of the priority claims is recognized or that the priority has been claimed because the examiner cannot confirm the contents of the earlier application serving as the basis of the priority claim^{1, 2, 3}.

(4) Sequence listing on basis of international preliminary examination

If the international application contains disclosure of a nucleotide and/or amino acid sequence, the examiner performs the following works.

- Checking the sequence listing [→ § 5.5.1](#)
- Identification of statement concerning the sequence listing on basis of international preliminary examination [→ § 5.5.3](#)

¹ The cases shall be dealt with in the same manner as establishment of the WO/ISA where the content of the earlier patent application cannot be confirmed ([→ § 2.7.3 \(1\) b. \(c\)](#)) since the international application is not published

² The copy of the earlier patent application (priority documents) shall be requested to IB where the content of the earlier patent application cannot be confirmed although the international application is published. The WO/IPEA or the IPER can be established to regard the priority as not being claimed where the content of the earlier patent application cannot be confirmed upon requesting [R66.7(a)].

³ The examiner may invite the applicant to furnish the Japanese or English translation within two months where the language of the earlier application on which the priority claim is based is not Japanese or English. ([→ § 5.9](#)). The WO/IPEA or the IPER can be established to regard the priority as not being claimed where the translation is not furnished within such period [R66.7(b)]. For the dealing of the cases where inviting to furnish the translation, see Chapter 5. [→ § 5.9 \(2\) b.](#)

3.9 Instructions for Preparation of WO/IPEA

A list of sheets constituting the WO/IPEA is shown in Table 3-3. In (1) to (11) below, instructions for preparation of the WO/IPEA are shown for each sheet of the WO/IPEA.

Table 3-3 List of sheets constituting the WO/IPEA

Sheet	Main description	Condition for employment	Instructions for preparation
cover sheet	• Bibliographic items	Always employed.	→ (1)
Box No. I	• Basis of the opinion	Always employed.	→ (2)
Box No. II	• Determination of priority claim	Employed for the particular matters to be pointed out with regard to the priority claim if any (→ § 3.8 (3) b. (b)).	→ (3)
Box No. III	• Grounds for non-establishment of opinion with regard to novelty, inventive step and industrial applicability	Employed where particular claims are excluded from international preliminary examination (→ § 3.3.5).	→ (4)
Box No. IV	• Observations with regard to unity of invention	Employed where the IPEA/405 (Invitation to restrict or pay additional fees) is notified as the intermediate invitation, or the IPEA/405 is not notified as intermediate invitation but the requirements of unity of invention are determined to not comply with in establishing the WO/IPEA.	→ (5)
Box No. V	• Reasoned statement with regard to novelty, inventive step and industrial applicability, citations supporting such statement and explanations	Normally employed, but not employed where the all claims are excluded from the international preliminary examination (→ § 3.3.5).	→ (6)
Box No. VI	• Certain documents cited	Employed where the “E” or “O” document in the WO/IPEA (→ § 3.8 (3)) is cited.	→ (7)
Box No. VII	• Defects in the form or contents	Employed where deficiency in the form or contents is pointed out.	→ (8)
Box No. VIII	• Violation of the description requirements accompanied by “significant and pertinent issues”	Employed where the violation of the requirements for description with “important and relevant issues” is pointed out.	→ (9)
Supplemental Box for sequence listing	• Sequence listing constituting the basis of the international preliminary examination	Employed where the international application contains nucleotide and/or amino acid sequence.	→ (10)
Supplemental Box	• Supplement for other sheets	Employed where the continuation of other sheets is described.	→ (11)

(1) Cover sheet

The sheet is employed to be included in the WO/IPEA without fail.

Designate two months from the mailing date as a time period for response, generally (*1).

Indicate the IPC, FI and facet classification symbols of technical fields to which the claimed invention pertains. → § 3.7

Check the box of 1. And "is". The box of "is not" is not checked [R66.1bis(b)] → § 3.7

How many times the written opinion has been established shall be set forth (for example, second, third, etc.). (*2)

The box of "Box No. I" is required to be checked.

These check boxes shall be selected for employment in Box Nos. II to VIII. The required matters shall be described in the boxes for employment.

Indicate the expiration date (→ § 3.1.2 (4) b.) of the time limit for establishing the IPER.

Indicate the examiner's name, art unit code, examiner's code, and telephone number.

PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: DAIRI, Nin
9-8-7, Anytown, Chiyoda-ku, Tokyo
100-9999,
Japan

PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
(PCT Rule 66)

Date of mailing (day/month/year)

Applicant's or agent's file reference 567891

REPLY to within 2 MONTHS from the above date of mailing

International application No. PCT/JP2015/999999 International filing date (day/month/year) 20 December 2013 Priority date (day/month/year) 20 December 2012

International Patent Classification (IPC) or both national classification and IPC
H04M 3/00(2006.01)
FI: H04M3/00

Applicant PATENT CORPORATION

1. ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.

2. This second (first, etc.) opinion contains indications relating to the following items:

☒ Box No. I Basis of the opinion

☒ Box No. II Priority

☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☒ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

☒ Box No. VI Certain documents cited

☒ Box No. VII Certain defects in the international application

☒ Box No. VIII Certain observations on the international application

The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 55.3 and 66.8.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2(a).

Name and mailing address of the IPEA/IO:
Japan Patent Office
1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
100-8915, Japan

Authorized officer:
9Z 9999 SHINSAKI, Jun
Telephone No. +81-3-3581-1101 Ext. 0011

Form PCT/IPEA/408 (Cover sheet) (January 2015)

*1 However, where the additional written opinion can be established in the case that the time period for response is reduced to one month, the time period for response may be reduced to one month on condition of the agreement with the applicant [R66.2(d)]. In that case, "Note on informal communication with the applicant" (→ § 5.3.2) shall be prepared for the agreement with the applicant.

The treatment of the cases where "the request for extension for time period" is submitted from the applicant is described in Chapter 5 → § 5.10

*2 Where the international preliminary examination has been requested, the WO/ISA, in JPO, is considered as the first WO/IPEA (→ § 3.7). Therefore, for example, the WO/IPEA established at the first preparation time in the international preliminary examination stage is considered as the second WO/IPEA.

a. International Patent Classification

The examiner indicates International Patent Classification (IPC) symbols of technical field to which the claimed invention pertains based on the description, claims, and drawings constituting of the basis of the international preliminary examination ([→ § 3.3.4](#)), according to the following instructions [R70.5].

- Where the description of the international application is obscure, the examiner assigns the classification whenever possible [GL7.06].
- All claimed inventions must be fully classified, whether or not there is lack of unity of invention [GL7.07].
- The version of the IPC applicable at the time when the WO/IPEA is established is used. Indicate IPC symbols until subgroup.
- Indicate the version information, adding “i” for invention information¹ and “n” for additional information².

Example: B63B21/02(2006.01)i, B63B21/04(2006.01)n

- FI³ (File Index) and facet classification symbols⁴ are written [R70.5, S504(b)(c)].

¹ The information which, of all the technical information disclosed in the international application, is the contribution made by the invention to the prior art

² The technical information which in itself brings no contribution to the prior art, but can be useful information for the researcher

³ Japanese original subclassification based on IPC

⁴ Defining FI from a different viewpoint

Notes

Notes for the IPC described in the WO/IPEA

- The IPC version shall be adopted as applicable at the time of “establishment of the WO/IPEA” in the WO/IPEA, while the IPC version shall be adopted as applicable at the time of “the international publication” in the ISR and the WO/ISA.
- Where the WO/IPEA is established based on the descriptions, claims and drawings after amendment ([→ § 3.3.4](#)), the examiner reconsidered as to whether or not the classification provided in the ISR and the WO/ISA is change [R70.5(b)].

(2) Box No. I

The sheet is employed to be included in the WO/IPEA without fail.

Normally, check the first box.
Check the both second and third box and indicate the language of the translation, if the international preliminary examination is carried out based on the translation of the international application (→ § 1.5.5).
Do not check the fourth and fifth box.

Check this box, if the international preliminary examination has been conducted based on the description, claims and drawings as filed (→ § 3.3.4).

If the international preliminary examination has been conducted based on the amended description, claims, and drawings, check the appropriate box (→ § 3.3.4) and indicate the detail. → a.
For the detail relating to the decision of the basis of the international preliminary examples, see Appendix → Appendix C

Check this box, if any nucleotide and/or amino acid sequence is disclosed in the international application. In addition, state required items in "Supplemental Box Relating to Sequence Listing." → (10)

Check this box, if the amendment is determined not to comply with the substantive requirements (→ § 3.3.4 (2)).
Check the appropriate boxes and identify portions determined not to comply with the requirement, if checked. In addition, describe the reason for such determination in the supplemental box. → a.

Check these boxes, if the IPEA authorized the rectification of an obvious mistake or the rectification of an obvious mistake has been notified to the IPEA. (*1, *2)

Do not check these boxes in JPO.

Do not check this box in JPO. (*1)

Check this box, if the WO/IPEA has been established considering SISR (→ § 3.3.3). In addition, indicate the SISA establishing the considered SISR in underlined portion (e.g., SISA/EP).

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No. PCT/JP2015/999999

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

☐ international search (Rules 12.3(a) and 23.1(b)).

☒ publication of the international application (Rule 12.4(a)).

☒ international preliminary examination (Rules 55.2(a) and/or 55.3(a) and (b)).

2. With regard to the elements of the international application which have been furnished to the receiving Office, this opinion has been established on the basis of:

☐ the international application as originally filed/furnished.

☒ the description: pages 1-9, 11-38 as originally filed/furnished; pages 10, 10/1, 10/2 received by this Authority on 20.10.2014

☒ the claims: Nos. _____ as originally filed/furnished; Nos. _____ as amended (together with any statement) under Article 19 Nos. 1-15 received by this Authority on 20.10.2014

☒ the drawings: figs 1-7 as originally filed/furnished; pages _____ received by this Authority on _____; pages _____ received by this Authority on _____

☒ a sequence listing - see Supplemental Box Relating to Sequence Listing.

☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☒ the drawings, figs 8

☐ the sequence listing (specify): _____

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)).

☒ the description, pages 22

☒ the claims, Nos. _____

☒ the drawings, sheets/figs _____

☒ the sequence listing (specify): _____

5. ☐ This opinion has been established:

☐ taking into account the rectification (Rule 66.1(d-bis)).

☒ without taking into account the rectification (Rule 91/Rule 66.4bis).

6. ☐ Supplementary international search report(s) from Authority(ies) _____ has/have been received and taken into account in establishing this opinion (Rule 45bis.8(b) and (c)).

Form PCT/IPEA/408 (Box No. I) (January 2015)

*1 Where the rectification of obvious mistakes have been authorized by or notified to the IPEA before establishment of the WO/IPEA, the rectification is required to be considered in establishing the WO/IPEA (→ § 5.4.2 (2) c.). Therefore, the lowest box of item 5. shall not be selected.

*2 The boxes of item 5. shall not be selected where the rectification of obvious mistakes has been authorized in the international search stage.

a. Statement of Box No. I

- The examiner shall note the following points, indicating the basis of opinion in Box No. I, item 2.
 - Indicate the amended claims, sheets of the descriptions or figures of the drawings serving as the basis of international preliminary examination in the “received by this Authority on _____” field. Indicate receiving date of amendments in this field.
 - Where the indication cannot comfort to the form of Box No. I, item 2, the examiner shall indicate “See supplemental box” and explain the detail in the supplemental box. [→ § C.2.2 Example 12](#)
- Where checking the box of drawings in Box No. I, item 2, 3, and 4, the examiner shall indicate the number of figures or the number of sheets in the underlined portion.

(3) Box No. II

This sheet is employed for the particular matters to be pointed out with regard to the priority claim, if any (where “Box No. II” of item 1. is selected on the cover sheet) ([→ § 3.8 \(3\) b. \(b\)](#)). Otherwise, this sheet is included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- As a general rule, it is necessary to confirm the content of the earlier patent application on which the priority claim is based at the WO/IPEA unlike at the WO/ISA [GL17.29]. Therefore, the particular matters to be pointed out with regard to the priority claim are different between at the WO/ISA and at the WO/IPEA ([→ § 2.7.3 \(1\) b. \(d\)](#), [§ 3.8 \(3\) b. \(b\)](#))

Check this box, if the WO/IPEA has been established as if no priority had been claimed in the following cases [R66.7].

- (i) Where the copy of earlier patent application (priority document) has been unavailable in spite of requesting the copy of the priority document to the IB
- (ii) Where the translation of the priority document has been unavailable within a time period in spite of inviting the applicant to submit the translation ([→ § 5.9](#))

The appropriate box shall be selected in the dotted-line frame if selected.

Check this box, if no effects of priority claim are recognized due to deficiency in the description of request ([→ § 3.8 \(3\) b. \(a\)](#)) [GL17.30]. This box shall not be selected, if the description of request does not have any deficiency even if the effects of priority claim are not recognized.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		International application No. PCT/JP2015/999999
Box No. II	Priority	
<p>1. <input type="checkbox"/> This opinion has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:</p> <ul style="list-style-type: none"> <input type="checkbox"/> copy of the earlier application whose priority has been claimed (Rule 66.7(a)). <input type="checkbox"/> translation of the earlier application whose priority has been claimed (Rule 66.7(b)). 		
<p>2. <input type="checkbox"/> This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.</p>		
<p>3. Additional observations, if necessary:</p>		
<p>This field shall be employed in the following cases other than the cases of the above item 1 and 2.</p> <ul style="list-style-type: none"> • Where any effect of priority claim has not been recognized • Where the effect of priority claim have been assumed to be recognized or the priority has been regarded as not claimed since the content of the earlier patent application on which the priority claim is based could not be confirmed <p>The examiner's determination for the priority claim shall be described in detail for the applicant to understand in employing this field.</p> <p>Examples of cases where the item 3 is employed</p> <ul style="list-style-type: none"> • Where any effect of priority claim could not be recognized as a result of substantively determining whether or not the effects of priority claim could be recognized (*). • Where the date other than the international filing date has been considered to be the relevant date for purposes of WO/IPEA since there is a deficiency in the description of request for particular priority claim, but the effect of other priority claim could be recognized. 		

* If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described together with explanations on statement with regard to novelty and so on in Box No. V, rather than in Box No. II.

(4) Box No. III

This sheet is employed where particular claims are excluded from the international preliminary examination (→ § 3.3.5) (where “the Box No. III” is selected in the item 1. of cover sheet). Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- The particular claims may be excluded on the grounds for corresponding to “the invention for which no ISR has been established” (→ § 4.1.4) in the WO/IPEA unlike the WO/ISA.

Normally, check the lower box. (*1)

Check the appropriate box. The following (i) and (ii) shall be described.

(i) Claim numbers considered to be the excluded subjects (*2)

(ii) Grounds for being excluded

Check the first box in the dotted frame if the box “a meaningful opinion could not be formed without the sequence listing” is selected. (*3)

Check this box, if the supplemental box is employed.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/JP2023/200022

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.
☐ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (specify): _____

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (specify): _____

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (specify): _____

☐ no international search report has been established for said claims Nos. _____

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing complying with WIPO Standard ST.26, and such listing was not available to the International Preliminary Examining Authority in the form, language and manner acceptable to it.
☒ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) and 13ter.2.

☐ See Supplemental Box for further details.

Form PCT/IPEA/408 (Box No. III) (July 2022)

*1 The upper check box shall be selected only where the all claims are excluded (→ § 3.3.5).

*2 If particular choices of any claim are excluded (→ § 4.1 Attention), state, for example, “Claims Nos. Part of X” and specify which choices are excluded.

*3 The second box shall not be selected in the dotted frame since the sequence listing in writing or image file is not requested to be present. The lowest check box shall not be selected in the dotted frame, since the late furnishing fee is not requested to be paid.

(5) Box No. IV

This sheet is employed where the IPEA/405 (the invitation to restrict claims or pay additional fees) is notified as the intermediate invitation (*), or the IPEA/405 is not notified as the intermediate invitation but the requirements of unity of invention are determined to not be complied with in preparing the WO/IPEA (where “Box No. IV” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- The applicant may restrict claims against the IPEA/405 in the WO/IPEA unlike the WO/ISA. In addition, the requirements of unity of invention may be complied with due to the amendment or the restriction of claims.
- Where the IPEA/405 has not been notified as the intermediate invitation, but the requirement for unity of invention has not been determined to be complied with in establishing the WO/IPEA, unlike WO/ISA, the determination for unity of invention shall be described.

Check this box, if the IPEA/405 has been notified as the intermediate invitation.

If this box checked, depending on the contents of the response of applicant against IPEA/405, select the appropriate box among five boxes (except for the fourth box) in the dotted frame.

The box “paid additional fees” shall be selected, if a part of necessary additional fees only is paid.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		International application No. PCT/JP2015/999999
Box No. IV Lack of unity of invention		
1. <input checked="" type="checkbox"/>	In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees the applicant has, within the applicable time limit:	
<input type="checkbox"/>	restricted the claims.	
<input type="checkbox"/>	paid additional fees.	
<input type="checkbox"/>	paid additional fees under protest and, where applicable, the protest fee, paid	
<input checked="" type="checkbox"/>	additional fees under protest but the applicable protest fee was not paid.	
<input type="checkbox"/>	neither restricted the claims nor paid additional fees.	
2. <input type="checkbox"/>	This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:	
<p>Check this box, if the IPEA/405 is not notified as the intermediate invitation but the requirements of unity of invention are determined to not be complied with in preparing the WO/IPEA. In addition, describe the following (i) to (iii).</p> <p>(i) Total number of inventions contained in the claims</p> <p>(ii) Claim numbers classified for each invention</p> <p>(iii) Grounds for determining that the requirements of unity of invention are not complied</p>		
3. Consequently, this opinion has been established in respect of the following parts of the international application:		
<input type="checkbox"/>	all parts.	
<input checked="" type="checkbox"/>	the parts relating to claims Nos. 1-7,11-15	

Select the appropriate box. Indicate the claim numbers for which the international preliminary examination is carried out, if the lower box is selected (→ § 3.5).

* This sheet shall be employed even where it has been determined that the requirements of unity of invention are complied with in IPEA/420 (decision of protest against payment of additional fees).

(6) Box No. V

This sheet is employed normally ("Box No. V" is selected in item 1 of the cover sheet). However, this sheet is not employed, and is not included in the WO/IPEA where the all claims are excluded (→ § 3.3.5).

Difference from the instructions for preparation of the WO/ISA

- The statement shall be explained in light of the applicant's arguments in the WO/IPEA unlike the WO/ISA.

Statement on novelty, inventive step and industrial applicability is indicated to all claims for which the international preliminary examination was performed (→ § 3.5). → a.

Prior art documents on the basis of which the statement indicated at item 1. are shown.

- With regard to all claims treated as the subject of search (→ § 3.5), the prior art which forms the basis the opinion of novelty and inventive step must be shown (*1, *2) [GL17.42].
- All cited documents (including documents to indicate well-known art) are listed. (*3) (→ Appendix B)
- Manner of indicating prior art document of the WO/IPEA is as the same as that of the ISR.

The explanation on the statement indicated in item 1. is described. → b.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY				International application No. PCT/JP2015/999999
Box No. V	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement			
1. Statement				
Novelty (N)	Claims	11-15	YES	
	Claims	1-7	NO	
Inventive step (IS)	Claims	14-15	YES	
	Claims	1-7,11-13	NO	
Industrial applicability (IA)	Claims	1-7,11-15	YES	
	Claims		NO	
2. Citations and explanations:				
D1: US 2005/777777 A1 (SMITH et al) 15 June 2005(2005-06-15) paragraphs [0042] to [0047], Fig.3 & JP2005-987654 A & CN 888888 A				
D2: EP 9999999 A1 (XX CO., LTD.)15 December 2010(2010-12-15) Claim 1, Fig. 1 & US 2008/999999 A1				
D3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No.13333/1986, Laid-Open No.24444/1987, XX CORPORATION, 1987.02.14, page 7, line 10 to page 9, line 3; Fig 5				
The subject matter of claim 1 is D1 cited in the ISR discloses D2 discovered in the top-up search discloses				

Form PCT/IPEA/408 (Box No. V) (January 2015)

- *1 When providing positive statement (if not denying novelty and inventive step), the documents of the grounds for the view must be shown as well.
- *2 For details concerning a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, see Chapter 5. → § 5.15 (2) b. (c)
- *3 Note following points, when describing the information of prior art documents. → Appendix B
- Specify the location of especially relevant passages when citing documents.
 - YIn cases where the examiner cites the patent document in a language other than English, if there is a patent family document in English, the part to be referred especially should be identified by at least one patent family document [GL17.43].

a. Statement

The relevant claim numbers are set forth in fields “YES” or “NO” of each item. This statement is provided for all of three requirements of the following for each claim.

- Criteria for “Novelty (N)” → [§ 4.4](#)
- Criteria for “Inventive Step (IS)” → [§ 4.5](#)
- Criteria for “Industrial Applicability (IA)” → [§ 4.6](#)

b. Explanation on statement

The explanation on statement with regard to novelty, inventive step and industrial applicability of the claimed invention is described, following prior art documents based on the statement. Depending on the content of the explanation, the examiner shall pay attention to the following matters.

(a) Where negative statement is provided

- If assessed to not be novel or not involve an inventive step, the specific technical contents of prior art that is the ground for such assessment shall be provided. In this case, the passages to be particularly referred to are also given as appropriate.
- Particularly, if assessed to not involve an inventive step, not only the technical contents of prior art but the reasoning for combining multiple prior art shall also be specifically provided.
- If assessed to not be industrially applicable, the grounds for such assessment shall be specifically provided.
- If the same claim has multiple grounds for being assessed to not involve novelty, inventive step, and industrial applicability, all of these grounds shall be pointed out.

(b) Where positive statement is provided

- If assessed to be novel and to involve an inventive step, the examiner, mentioning to relationship to the prior art based on the statement, provides the specific reason of the statement. For example, the following matters are provided.

- Matters neither described in nor suggested by the prior art documents
- The factor which obstructs application of the secondary prior art to the primary prior art
- Advantageous effects over the prior art

(c) Et cetera

- Where the applicant argues in the written reply against the examiner's statement in the written opinion, the examiner shall explain the statement taken such argues into account. Especially, providing negative statement, the examiner shall describe specifically contents of the arguments and explain the statement in light of the arguments [GL19.31].
- The WO/IPEA shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law [A35(2)].
- If the subject of search is limited in particular claims as a result of consideration in “Consideration of the Exclusion from the International Preliminary Examination” ([→ § 3.3.5](#)), that effect is pointed out in this box, as appropriate ([→ § 3.8 \(1\)](#)). The followings matters are provided in pointing out.
 - Specific scope of subject of search
 - Specific reason for limitation of subject of search
- If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described in this box ([→ § 3.9 \(3\)](#)).

(7) Box No. VI

This sheet is employed where the “E” or “O” document (→ § 3.8 (3)) is cited in the WO/IPEA (where “Box No. VI” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/IPEA.

The “E” document in the WO/IPEA (→ § 3.8 (3)) shall be set forth [R70.10].
The explanation on “E” document listed here may be contained in the Box No.V.

If the application according to the cited “E” document claims priority, “claimed priority date” described in said document shall be set forth. (*2)

The kind of any non-written disclosure (oral disclosures, use, exhibit) as well as “O” document in the WO/IPEA (→ § 3.8 (3)) shall be set forth [R70.9].
The explanation on “O” document listed here may be contained in the Box No.V.

International application No.
PCT/JP2015/999999

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim)(day/month/year)
EP 4567890 A1	25 December 2013	22 June 2013 31	-
JP 2014-987123 A	29 May 2014	October 2013	14 November 2012

Document
number (*1)

Publication
date

Filing
date

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

Kind of non-written
disclosure and
document referring to
the non-written
disclosure

Date on which the
non-written
disclosure occurred

Published date of
document referring to
the non-written
disclosure

Form PCT/IPEA/408 (Box No. VI) (January 2015)

- *1 The document number of “E” document cited in the WO/IPEA shall be set forth since the published applications or patents are the subjects. The application number shall not be contained.
- *2 Where citing “E” documents accompanied by priority claims, the examiner should confirm only whether or not “claimed priority date” is before relevant date, and need not to determine whether or not the effects of the priority claim is recognized. Hence, Where the examiner finds that, though the matter related to the determination of novelty and inventive step of the present claimed invention is described in “E” document, it is not described in the descriptions as filed of the earlier application serving as the basis of the priority claim, the examiner can indicate that in the Box No.V of the written opinion and the IPER [R70.10].

(8) Box No. VII

This sheet is employed where the examiner points out some defects in the form or contents of the international application (where “Box No. VII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA and the WO/IPEA.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		International application No. PCT/JP2015/999999
Box No. VII	Certain defects in the international application	
The following defects in the form or contents of the international application have been noted:		
<p>The Examiner can point out the defects in the form or contents of the international application (the requirements specified in Rules 5 to 11 are not complied with) in this field if said deficiency is found [GL17.09].</p> <p>Example of defects</p> <ul style="list-style-type: none">• The page numbers of the specification are not successive. <p>Attention</p> <p>For example, the violation of description requirements as below shall not be pointed out in this field, since such violation is a substantive violation of description requirements, rather than a deficiency in the form or content.</p> <ul style="list-style-type: none">• Where the terms in claims have unclear meanings• Where there is some technical defect in claim description <p>The violation of description requirements with “important and relevant matters” of the substantive violation of description requirements shall be pointed out in Box No. VIII.</p>		

Form PCT/IPEA/408 (Box No. VII) (January 2015)

(9) **Box No. VIII**

This sheet is employed where the examiner points out some violations of description requirements accompanied by “significant and pertinent issues” in the description, the claims, or the drawings of the international application (where “Box No. VIII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA and the WO/IPEA.
 (“Subject of search” in the WO/ISA corresponds to the “subject of examination” in the WO/IPEA.)

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		International application No. PCT/IP2015/999999
Box No. VIII	Certain observations on the international application	
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:		
<p>Only a violation of description requirements accompanied by “significant and pertinent issues” (*) shall be pointed out in this field (→ § 3.8 (1)).</p> <p>The following are described in pointing out.</p> <ul style="list-style-type: none"> (i) Specific contents of violation of description requirements accompanied by “significant and pertinent issues” (ii) Specific ranges of the searched subjects <p>The description of (ii) may be described in Box No. V as well as in this field.</p>		
Form PCT/IPEA/408 (Box No. VIII) (January 2015)		

* Violation of description requirements accompanied by “significant and pertinent issues” means the description requirements by which, if particular claims are excluded, and the subject of search and the subject of examination are limited for the particular claims because said claims are “parts in which a meaningful search could not be carried out since the description, the claims, or the drawings do not comply with the description requirements” (→ § 4.1.2), such limitation is caused (→ § 4.7 (2) a.).

(10) Supplemental Box Relating to Sequence Listing

This sheet is employed where the international application contains disclosure of the nucleotide or amino acid sequence. Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA (items 3 to 5 of Box. No. I) and the WO/IPEA.
("Basis of international search" in the WO/ISA corresponds to the "basis of international preliminary examination" in the WO/IPEA.)

State the sequence listing on which the international preliminary examination is carried out based.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		International application No. PCT/JP2023/200022
Supplemental Box Relating to Sequence Listing		
Continuation of Box No. I, item 2:		
<p>1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of a sequence listing:</p> <p>a. <input type="checkbox"/> forming part of the international application as filed.</p> <p>b. <input type="checkbox"/> furnished subsequent to the international filing date for the purposes of international search and/or examination, <input type="checkbox"/> accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.</p> <p>c. <input type="checkbox"/> furnished to this Authority as an amendment under PCT Article 34 on _____.</p> <p>2. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established to the extent that a meaningful opinion could be formed without a WIPO Standard ST.26 compliant sequence listing.</p> <p>3. Additional comments:</p>		

Form PCT/IPEA/408 (Supplemental Box Relating to Sequence Listing) (July 2022)

(11) Supplemental Box

This sheet is employed where the continuation of preceding sheets is described. Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA and the WO/IPEA.

State that the continuation of which Box is described.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY SEARCHING AUTHORITY	International application No. PCT/JP2015/999999
Supplemental Box	
In case the space in any of the preceding boxes is not sufficient. Continuation of : Box.III	
Form PCT/IPEA/408 (Supplemental Box) (January 2015)	

3.10 Instructions for Preparation of IPER

A list of sheets constituting the IPER is shown in Table 3-4. In (1) to (11) below, instructions for preparation of the IPER are shown for each sheet of the IPER.

Table 3-4 List of sheets constituting the IPER

Sheet	Main description	Condition for employment	Instructions for preparation
cover sheet	• Bibliographic items	Always employed.	→ (1)
Box No. I	• Basis of the opinion	Always employed.	→ (2)
Box No. II	• Determination of priority claim	Employed for the particular matters to be pointed out with regard to the priority claim if any (→ § 3.8 (3) b. (b)).	→ (3)
Box No. III	• Grounds for non-establishment of opinion with regard to novelty, inventive step and industrial applicability	Employed where particular claims are excluded from international preliminary examination (→ § 3.3.5).	→ (4)
Box No. IV	• Observations with regard to unity of invention	Employed where the IPEA/405 (Invitation to restrict or pay additional fees) is notified as the intermediate invitation, or the IPEA/405 is not notified as intermediate invitation but the requirements of unity of invention are determined to not comply with in establishing the IPER.	→ (5)
Box No. V	• Reasoned statement with regard to novelty, inventive step and industrial applicability, citations supporting such statement and explanations	Normally employed, but not employed where the all claims are excluded from the international preliminary examination (→ § 3.3.5).	→ (6)
Box No. VI	• Certain documents cited	Employed where the “E” or “O” document in the IPER (→ § 3.8 (3)) is cited.	→ (7)
Box No. VII	• Defects in the form or contents	Employed where deficiency in the form or contents is pointed out.	→ (8)
Box No. VIII	• Violation of the description requirements accompanied by “significant and pertinent issues”	Employed where the violation of the requirements for description with “important and relevant issues” is pointed out.	→ (9)
Supplemental Box for sequence listing	• Sequence listing constituting the basis of the international preliminary examination	Employed where the international application contains nucleotide and/or amino acid sequence.	→ (10)
Supplemental Box	• Supplement for other sheets	Employed where the continuation of other sheet is described.	→ (11)

(1) Cover sheet

The sheet is employed to be included in the IPER without fail.

Indicate the IPC, FI and faset classification symbols of technical fields to which the claimed invention pertains. → [a.](#)

The total number of pages of the IPER, i.e., the total number of sheets of the report itself, shall be specified.

Check this box, if annexes are attached to the IPER → § 3.11 (1).
If checked:

- Specify the total number of sheets of the annexes. Any page bearing a sub-number such as 3/1 shall also be counted as one sheet.
- Check the applicable one in the dotted frame for the type of the documents annexed. (But, do not check the second item) (→ § 3.11 (2))

See Appendix D for example about annexes. → [Appendix D](#)

Where an Article 34 amendment was made to the sequence listing, check this box. See Chapter 5 for the details.

The box of "Box No. I" is required to be checked.

These check boxes shall be selected for employment in Box Nos. II to VIII. The required matters shall be described in the boxes for employment.

Indicate the date of submission of the demand for the international preliminary examination.

Indicate the date of completion of the IPER

Indicate the examiner's name, art unit code, examiner's code, and telephone number.

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference EN00000001		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2023/200022	International filing date (day/month/year) 20 September 2023	Priority date (day/month/year)	
International Patent Classification (IPC) or both national classification and IPC A01B 33/00/2006.01 FI: A01B33/00			
Applicant KIKANGYOUNG			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **2** sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. ☒ a total of **2** sheets, as follows:
☐ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
☒ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).
b. ☐ a separate electronic file containing a sequence listing (sent to the International Bureau only).
4. This report contains indications relating to the following items:
☒ Box No. I Basis of the report
☐ Box No. II Priority
☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐ Box No. IV Lack of unity of invention
☐ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
☐ Box No. VI Certain documents cited
☐ Box No. VII Certain defects in the international application
☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 25 September 2023	Date of completion of this report 21 December 2023
Name and mailing address of the IPEA/JIP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer 2B 3504 Telephone No. +81-3-3581-1101 Ext. 3237

Form PCT/IPEA/409 (cover sheet) (July 2022)

a. International Patent Classification

The examiner indicates International Patent Classification (IPC) symbols of technical field to which the claimed invention pertains based on the description, claims, and drawings constituting of the basis of the international preliminary examination ([→ § 3.3.4](#)), according to the following instructions [R70.5].

- Where the description of the international application is obscure, the examiner assigns the classification whenever possible [GL7.06].
- All claimed inventions must be fully classified, whether or not there is lack of unity of invention [GL7.07].
- The version of the IPC applicable at the time when the IPER is established is used. Indicate IPC symbols until subgroup.
- Indicate the version information, adding “i” for invention information¹ and “n” for additional information².

Example: B63B21/02(2006.01)i, B63B21/04(2006.01)n

- FI³ (File Index) and facet classification symbols⁴ are written [R70.5, S504(b)(c)].

¹ The information which, of all the technical information disclosed in the international application, is the contribution made by the invention to the prior art

² The technical information which in itself brings no contribution to the prior art, but can be useful information for the researcher

³ Japanese original subclassification based on IPC

⁴ Defining FI from a different viewpoint

Notes

Notes for the IPC described in the IPER

- The IPC version shall be adopted as applicable at the time of “establishment of the IPER” in the IPER, while the IPC version shall be adopted as applicable at the time of “the international publication” in the ISR and the WO/ISA.
- Where the IPER is established based on the descriptions, claims and drawings after amendment ([→ § 3.3.4](#)), the examiner reconsidered as to whether or not the classification provided in the ISR and the WO/ISA is change [R70.5(b)].

(2) Box No. I

The sheet is employed to be included in the IPER without fail.

Difference from the instructions for preparation of the WO/IPEA

- The IPER shall contain information about top-up searches unlike the WO/IPEA.
("Basis of the opinion" in the WO/IPEA corresponds to the "basis of the report" in the IPER.)

Check this box, if the international preliminary examination has been conducted based on the description, claims and drawings as filed ([→ § 3.3.4](#)).

Normally, check the first box.
Check the both second and third box and indicate the language of the translation, if the international preliminary examination is carried out based on the translation of the international application ([→ § 1.5.5](#)).

If the international preliminary examination has been conducted based on the amended description, claims, and drawings, check the appropriate box ([→ § 3.3.4](#)) and indicate the detail. [→ a](#).
For the detail relating to the decision of the basis of the international preliminary examples, see Appendix [→ Appendix C](#)

Check this box, if any nucleotide and/or amino acid sequence is disclosed in the international application. In addition, state required items in "Supplemental Box Relating to Sequence Listing." [→ \(10\)](#)

Check this box, if the amendment is determined not to comply with the substantive requirements ([→ § 3.3.4 \(2\)](#)).
Check the appropriate boxes and identify portions determined not to comply with the requirement, if checked. In addition, describe the reason for such determination in the supplemental box. [→ a](#).

Check these boxes, if the IPEA authorized the rectification of an obvious mistake or the rectification of an obvious mistake has been notified to the IPEA. (*1, *2)

Check the appropriate boxes about top-up searches ([→ § 3.6](#)) [→ b](#).

INTERNATIONAL PRELIMINARY REPORT OF PATENTABILITY International application No. PCT/JP2013/999999

Box No. I Basis of the report

1. With regard to the language, this report is based on:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (Rules 12.3(a) and 23.1(b)).

☒ publication of the international application (Rule 12.4(a)).

☒ international preliminary examination (Rules 55.2(a) and/or 55.3(a) and (b)).

With regard to the elements of the international application furnished to the receiving Office in response to an invitation and are not annexed to this report:

☒ the international application as originally filed/furnished, or

☒ the description: pages 1-9,11-29,31-38 as originally filed/furnished. pages* 10,10/1,10/2 received by this Authority on 20.10.2014 pages* 30,30/1 received by this Authority on 20.10.2015

☒ the claims: Nos. _____ as originally filed/furnished. Nos.* 1,3-9,11-15 received by this Authority on 20.10.2015 Nos.* received by this Authority on _____

☒ the drawings: figs 1-7 as originally filed/furnished. pages* _____ received by this Authority on _____ received by this Authority on _____

☒ a sequence listing - see Supplemental Box Relating to Sequence Listing.

☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. 2,10

☒ the drawings, figs 8

☐ the sequence listing (specify): _____

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☒ the description, pages 22,31

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

5. ☐ This report has been established:

☐ taking into account the rectification of an obvious mistake (Rules 66.1(d-bis) and 70.2(e)).

☒ without taking into account the rectification of an obvious mistake (Rule 91(Rules 66.4bis and 70.2(e))).

6. With regard to top-up searches (Rules 66.1er and 70.2(f)):

☒ A top-up search was carried out by this Authority on 20.03.2015

☒ Additional relevant documents have been discovered during the top-up search.

☐ No top-up search was carried out by this Authority because it would serve no useful purpose.

7. ☐ Supplementary international search report(s) from Authority(ies) _____ has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/IPEA/409 (Box No. I) (January 2015)

Do not check these boxes in JPO.

Do not check this box in JPO. (*1)

Check this box, if the IPER has been established considering SISR ([→ § 3.3.3](#)). In addition, indicate the SISA establishing the considered SISR in underlined portion (e.g., SISA/EP).

*1 Where the rectification of obvious mistakes have been authorized by or notified to the IPEA before establishment of the WO/IPEA, the rectification is required to be considered in establishing the IPER ([→ § 5.4.2 \(2\) c.](#)). Therefore, the lowest box of item 5. shall not be selected.

*2 The boxes of item 5. shall not be selected where the rectification of obvious mistakes has been authorized in the international search stage.

a. Statement of Box No. I

- The examiner shall note the following points, indicating the basis of opinion in Box No. I, item 2.
 - Indicate the amended claims, sheets of the descriptions or figures of the drawings serving as the basis of international preliminary examination in the “received by this Authority on _____” field. Indicate receiving date of amendments in this field.
 - Where the indication cannot comfort to the form of Box No. I, item 2, the examiner shall indicate “See supplemental box” and explain the detail in the supplemental box. → [§ C.2.2 Example 12](#)
- Where checking the box of drawings in Box No. I, item 2, 3, and 4, the examiner shall indicate the number of figures or the number of sheets in the underlined portion.

b. Top-up search

(a) Date of top-up search

If a top-up search was carried out, then the box of “A top-up search was carried out by this Authority on” shall be selected, and the following date shall be given as the date on which a top-up search was carried out.

- The date of establishment of the WO/IPEA if a top-up search was carried out during the WO/IPEA establishment process.
- The date of IPER establishment if a top-up search was carried out during the IPER establishment process

If a top-up search was carried out more than once, the latest of the dates set forth above shall be indicated.

(b) Results of top-up search

If any relevant document that was not cited in the ISR has been discovered during the top-up search and is to be cited in Box No. V or VI of the IPER, then “Additional relevant documents have been discovered during the top-up search” shall be selected.

(c) Where no top-up search was carried out

If no top-up search was carried out, then the box of “No top-up search was carried out by this Authority because it would serve no useful purpose” shall be selected, and the reasons shall be given in the supplemental box. Top-up searches need not be carried out only where the all claims are excluded from the international preliminary examination ([→ § 3.3.5](#)); they shall be carried out in any other cases.

(3) Box No. II

This sheet is employed for the particular matters to be pointed out with regard to the priority claim, if any (where “Box No. II” of item 1. is selected on the cover sheet) ([→ § 3.8 \(3\) b. \(b\)](#)). Otherwise, this sheet is included in the IPER.

Difference from the instructions for preparation of the WO/ISA or the WO/IPEA

- As a general rule, it is necessary to confirm the content of the earlier patent application on which the priority claim is based at the IPER unlike at the WO/ISA [GL17.29]. Therefore, the particular matters to be pointed out with regard to the priority claim are different between at the WO/ISA and at the IPER ([→ § 2.7.3 \(1\) b. \(d\)](#), [§ 3.8 \(3\) b. \(b\)](#))
- In this respect, there is no difference between the WO/IPEA and the IPER.

Check this box, if the IPER has been established as if no priority had been claimed in the following cases [R66.7].

- Where the copy of earlier patent application (priority document) has been unavailable in spite of requesting the copy of the priority document to the IB
- Where the translation of the priority document has been unavailable within a time period in spite of inviting the applicant to submit the translation ([→ § 5.9](#))

The appropriate box shall be selected in the dotted-line frame if selected.

Check this box, if no effects of priority claim are recognized due to deficiency in the description of request ([→ § 3.8 \(3\) b. \(a\)](#)) [GL17.30]. This box shall not be selected, if the description of request does not have any deficiency even if the effects of priority claim are not recognized.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2013/999999
Box No. II	Priority	
1.	<input checked="" type="checkbox"/> This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time the requested: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> copy of the earlier application whose priority has been claimed (Rule 66.7(a)). <input checked="" type="checkbox"/> translation of the earlier application whose priority has been claimed (Rule 66.7(b)). 	
2.	<input type="checkbox"/> This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.	
Additional observations, if necessary:		
<p>This field shall be employed in the following cases other than the cases of the above item 1 and 2.</p> <ul style="list-style-type: none"> • Where any effect of priority claim has not been recognized • Where the effect of priority claim have been assumed to be recognized or the priority has been regarded as not claimed since the content of the earlier patent application on which the priority claim is based could not be confirmed <p>The examiner's determination for the priority claim shall be described in detail for the applicant to understand in employing this field.</p> <p>Examples of cases where the item 3 is employed</p> <ul style="list-style-type: none"> • Where any effect of priority claim could not be recognized as a result of substantively determining whether or not the effects of priority claim could be recognized (*). • Where the date other than the international filing date has been considered to be the relevant date for purposes of IPER since there is a deficiency in the description of request for particular priority claim, but the effect of other priority claim could be recognized. 		

Form PCT/IPEA/409 (Box No. II) (January 2015)

* If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described together with explanations on statement with regard to novelty and so on in Box No. V, rather than in Box No. II.

(4) Box No. III

This sheet is employed where particular claims are excluded from the international preliminary examination ([→ § 3.3.5](#)) (where “the Box No. III” is selected in the item 1. of cover sheet). Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA or the WO/IPEA

- The particular claims may be excluded on the grounds for corresponding to “the invention for which no ISR has been established” ([→ § 4.1.4](#)) in the IPER unlike the WO/ISA.
- In this respect, there is no difference between the WO/IPEA and the IPER.

Normally, check the lower box. (*1)

Check the appropriate box. The following (i) and (ii) shall be described.

(i) Claim numbers considered to be the excluded subjects (*2)

(ii) Grounds for being excluded

Check the first box in the dotted frame if the box “a meaningful opinion could not be formed without the sequence listing” is selected. (*3)

Check this box, if the supplemental box is employed.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2023/200022

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.
☐ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (specify):

☐ no international search report has been established for said claims Nos. _____

☐ a meaningful opinion could not be formed without the sequence listing: the applicant did not, within the prescribed time limit:

☒ furnish a sequence listing complying with WIPO Standard ST.26, and such listing was not available to the International Preliminary Examining Authority in the form, language and manner acceptable to it.
☒ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) and 13ter.2.
☐ See Supplemental Box for further details.

Form PCT/IPEA/409 (Box No. III) (July 2022)

*1 The upper check box shall be selected only where the all claims are excluded ([→ § 3.3.5](#)).

*2 If particular choices of any claim are excluded ([→ § 4.1 Attention](#)), state, for example, “Claims Nos. Part of X” and specify which choices are excluded.

*3 The second box shall not be selected in the dotted frame since the sequence listing in writing or image file is not requested to be present. The lowest check box shall not be selected in the dotted frame, since the late furnishing fee is not requested to be paid.

(5) Box No. IV

This sheet is employed where the IPEA/405 (the invitation to restrict claims or pay additional fees) is notified as the intermediate invitation (*), or the IPEA/405 is not notified as the intermediate invitation but the requirements of unity of invention are determined not to be complied with in preparing the IPER (where “Box No. IV” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA or the WO/IPEA

- The applicant may restrict claims against the IPEA/405 in the WO/IPEA unlike the WO/ISA. In addition, the requirements of unity of invention may be complied with due to the amendment or the restriction of claims.
- Where this sheet is employed, the determination for unity of invention shall be always described, unlike the WO/IPEA.

Check this box, if the IPEA/405 is notified as the intermediate invitation.
If this box checked, depending on the contents of the response of applicant against the IPEA/405, select the appropriate box among five boxes (except for the fourth box) in the dotted frame.
The box “paid additional fees” shall be selected, if a part of necessary additional fees only is paid.

Check this box, if the IPEA/405 has not been notified as the intermediate invitation but the requirements of unity of invention are determined to not be complied with in preparing the IPER.

Check the lower box, if the requirements of unity of invention are determined to not be complied with in preparing the IPER.
The upper box shall be selected in either one of the following cases:

- The requirement of unity of invention is complied with as a result of amendments to or restriction of the claims; or
- It is determined in the IPEA/420 (Notification of decision on protest against payment of additional fees) that the requirement of unity of invention is complied with.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2013/999999
Box No. IV Lack of unity of invention		
1.	<input checked="" type="checkbox"/>	In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit: <div style="border: 1px dotted black; padding: 5px;"> <input checked="" type="checkbox"/> restricted the claims. <input type="checkbox"/> paid additional fees. <input type="checkbox"/> paid additional fees under protest and, where applicable, the protest fee. paid <input checked="" type="checkbox"/> additional fees under protest but the applicable protest fee was not paid. <input type="checkbox"/> neither restricted the claims nor paid additional fees. </div>
2.	<input type="checkbox"/>	This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3.	<input checked="" type="checkbox"/>	This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is: <div style="border: 1px solid black; padding: 5px;"> <input type="checkbox"/> complied with. <input checked="" type="checkbox"/> not complied with for the following reasons: <div style="border: 1px solid black; padding: 10px; margin: 5px 0;"> <p>The following (i) to (iii) shall be described where the requirements of unity of invention are determined to not be complied.</p> <p>(i) Total number of inventions contained in the claims</p> <p>(ii) Claim numbers classified for each invention</p> <p>(iii) Grounds for determining that the requirements of unity of invention are not complied</p> <p>The invention for which the IPER is prepared shall be identified.</p> </div> </div>
4.	Consequently, this report has been established in respect of the following parts of the international application: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> all parts. <input checked="" type="checkbox"/> the parts relating to claims Nos. 1,3-7,11-15 </div>	

Form PCT/IPEA/409 (Box No. IV) (January 2015)

Select the appropriate box. Indicate the claim numbers for which the international preliminary examination is carried out, if the lower box is selected (→ § 3.5). (*2)

*1 This sheet shall be employed even where it has been determined that the requirements of unity of invention are complied with in the IPEA/420 (decision of protest against payment of additional fees).

*2 If the determination which is different from that in the intermediate invitation with regard to unity of invention is described, the examiner shall explain to the applicant understandably that which claims are the subject of examination, noting that the subject of examination in the international preliminary examination is determined based on “the decision of the subject of examination in international preliminary examination” (→ § 3.5).

(6) Box No. V

This sheet is employed normally ("Box No. V" is selected in item 1 of the cover sheet). However, this sheet is not employed, and is not included in the IPER where the all claims are excluded ([→ § 3.3.5](#)).

Statement on novelty, inventive step and industrial applicability is indicated to all claims for which the international preliminary examination was performed ([→ § 3.5](#)). [→ a.](#)

Prior art documents on the basis of which the statement indicated at item 1. are shown.

- With regard to all claims treated as the subject of search ([→ § 3.5](#)), the prior art which forms the basis the opinion of novelty and inventive step must be shown (*1, *2) [GL17.42].
- All cited documents (including documents to indicate well-known art) are listed. (*3) ([→ Appendix B](#))
- Manner of indicating prior art document of the WO/IPEA is as the same as that of the ISR.

The explanation on the statement indicated in item 1. is described. [→ b.](#)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2013/999999
Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims 1,3-7,11-15	YES
	Claims	NO
Inventive step (IS)	Claims 14-15	YES
	Claims 1,3-7,11-13	NO
Industrial applicability (IA)	Claims 1,3-7,11-15	YES
	Claims	NO
2. Citations and explanations (Rule 70.7)		
<p>D1:US 2005/777777 A1 (SMITH et al) 15 June 2005(2005-06-15) paragraphs [0042] to [0047], Fig.3 & JP2005-987654 A & CN 8888888 A</p> <p>D2: EP 9999999 A1 (XX CO., LTD.)15 December 2010(2010-12-15) Claim 1, Fig. 1 & US 2008/999999 A1</p> <p>D3:Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No.13333/1986 , Laid-Open No.24444/1987 , ABC CO.,LTD. , 1987.02.14, page 7, line 10 to page 9, line 3; Fig 5</p> <p>The subject matter of claim 1 is</p> <p>D1 cited in the ISR discloses</p> <p>D2 discovered in the top-up search discloses</p>		

Form PCT/IPEA/409 (Box No. V) (January 2015)

- *1 When providing positive statement (if not denying novelty and inventive step), the documents of the grounds for the view must be shown as well.
- *2 For details concerning a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, see Chapter 5. [→ § 5.15 \(2\) b. \(c\)](#)
- *3 Note following points, when describing the information of prior art documents. [→ Appendix B](#)
- Specify the location of especially relevant passages when citing documents.
 - YIn cases where the examiner cites the patent document in a language other than English, if there is a patent family document in English, the part to be referred especially should be identified by at least one patent family document.

a. Statement

The relevant claim numbers are set forth in fields “YES” or “NO” of each item. This statement is provided for all of three requirements of the following for each claim.

- Criteria for “Novelty (N)” → [§ 4.4](#)
- Criteria for “Inventive Step (IS)” → [§ 4.5](#)
- Criteria for “Industrial Applicability (IA)” → [§ 4.6](#)

b. Explanation on statement

The explanation on statement with regard to novelty, inventive step and industrial applicability of the claimed invention is described, following prior art documents based on the statement. Depending on the content of the explanation, the examiner shall pay attention to the following matters.

(a) Where negative statement is provided

- If assessed to not be novel or not involve an inventive step, the specific technical contents of prior art that is the ground for such assessment shall be provided. In this case, the passages to be particularly referred to are also given as appropriate.
- Particularly, if assessed to not involve an inventive step, not only the technical contents of prior art but the reasoning for combining multiple prior art shall also be specifically provided.
- If assessed to not be industrially applicable, the grounds for such assessment shall be specifically provided.
- If the same claim has multiple grounds for being assessed to not involve novelty, inventive step, and industrial applicability, all of these grounds shall be pointed out.

(b) Where positive statement is provided

- If assessed to be novel and to involve an inventive step, the examiner, mentioning to relationship to the prior art based on the statement, provides the specific reason of the statement. For example, the following matters are provided.

- Matters neither described in nor suggested by the prior art documents
- The factor which obstructs application of the secondary prior art to the primary prior art
- Advantageous effects over the prior art

(c) Et cetera

- Where the applicant argues in the written reply against the examiner's statement in the written opinion, the examiner shall explain the statement taken such argues into account. Especially, providing negative statement, the examiner shall describe specifically contents of the arguments and explain the statement in light of the arguments [GL19.31].
- The IPER shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law [A35(2)].
- If the subject of search is limited in particular claims as a result of consideration in “Consideration of the Exclusion from the International Preliminary Examination” ([→ § 3.3.5](#)), that effect is pointed out in this box, as appropriate ([→ § 3.8 \(1\)](#)). The followings matters are provided in pointing out.
 - Specific scope of subject of search
 - Specific reason for limitation of subject of search
- If any effect of priority claim could not be recognized as a result of substantively determination, that effect may be described in this box ([→ § 3.10 \(3\)](#)).

(7) Box No. VI

This sheet is employed where the “E” or “O” document ([→ § 3.8 \(3\)](#)) is cited in the IPER (where “Box No. VI” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the IPER.

The “E” document in the IPER ([→ § 3.8 \(3\)](#)) shall be set forth [R70.10].
The explanation on “E” document listed here may be contained in the Box NO.V.

If the application according to the cited “E” document claims priority, “claimed priority date” described in said document shall be set forth. (*2)

The kind of any non-written disclosure (oral disclosures, use, exhibit) as well as “O” document in the IPER ([→ § 3.8 \(3\)](#)) shall be set forth [R70.9].
The explanation on “O” document listed here may be contained in the Box No.V.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY				International application No. PCT/JP2013/999999
Box No. VI Certain documents cited				
1. Certain published documents (Rule 70.10)				
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim)(day/month/year)	
EP 4567890 A1	25 December 2013	22 June 2013 31	-	
JP 2014-987123 A	29 May 2014	October 2013	14 November 2012	
Document number (*1)	Publication date	Filing date		
2. Non-written disclosures (Rule 70.9)				
Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)		
Kind of non-written disclosure and document referring to the non-written disclosure	Date on which the non-written disclosure occurred	Published date of document referring to the non-written disclosure		

Form PCT/IPEA/409 (Box No. VI) (January 2015)

- *1 The document number of “E” document cited in the IPER shall be set forth since the published applications or patents are the subjects. The application number shall not be contained.
- *2 Where citing “E” documents accompanied by priority claims, the examiner should confirm only whether or not “claimed priority date” is before relevant date, and need not to determine whether or not the effects of the priority claim is recognized. Hence, Where the examiner finds that, though the matter related to the determination of novelty and inventive step of the present claimed invention is described in “E” document, it is not described in the descriptions as filed of the earlier application serving as the basis of the priority claim, the examiner can indicate that in the Box No.V of the written opinion and the IPER [R70.10].

(8) Box No. VII

This sheet is employed where the examiner points out some defects in the form or contents of the international application (where “Box No. VII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA or the WO/IPEA

- In this respect, there is no difference between the WO/ISA or the WO/IPEA and the IPER.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2013/999999
Box No. VII	Certain defects in the international application	
The following defects in the form or contents of the international application have been noted:		
<p>The Examiner can point out the defects in the form or contents of the international application (the requirements specified in Rules 5 to 11 are not complied with) in this field if said deficiency is found [GL17.09].</p> <p>Example of defects</p> <ul style="list-style-type: none">• The page numbers of the specification are not successive. <p>Attention</p> <p>For example, the violation of description requirements as below shall not be pointed out in this field, since such violation is a substantive violation of description requirements, rather than a deficiency in the form or content.</p> <ul style="list-style-type: none">• Where the terms in claims have unclear meanings• Where there is some technical defect in claim description <p>The violation of description requirements with “important and relevant matters” of the substantive violation of description requirements shall be pointed out in Box No. VIII.</p>		

Form PCT/IPEA/409 (Box No. VII) (January 2015)

(9) **Box No. VIII**

This sheet is employed where the examiner points out some violations of description requirements accompanied by “significant and pertinent issues” in the description, the claims, or the drawings of the international application (where “Box No. VIII” is selected in item 1. of the cover sheet). Otherwise, this sheet is not included in the WO/IPEA.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA or the WO/IPEA and the IPER.
 (“Subject of search” in the WO/ISA corresponds to the “subject of examination” in the WO/IPEA and the IPER.)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2013/999999
Box No. VIII	Certain observations on the international application	
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:		
<p>Only a violation of description requirements accompanied by “significant and pertinent issues” (*) shall be pointed out in this field (→ § 3.8 (1)).</p> <p>The following are described in pointing out.</p> <ul style="list-style-type: none"> (i) Specific contents of violation of description requirements accompanied by “significant and pertinent issues” (ii) Specific ranges of the searched subjects <p>The description of (ii) may be described in Box No. V as well as in this field.</p>		
Form PCT/IPEA/409 (Box No. VIII) (January 2015)		

* Violation of description requirements accompanied by “significant and pertinent issues” means the description requirements by which, if particular claims are excluded, and the subject of search and the subject of examination are limited for the particular claims because said claims are “parts in which a meaningful search could not be carried out since the description, the claims, or the drawings do not comply with the description requirements” (→ § 4.1.2), such limitation is caused (→ § 4.7 (2) a.).

(10) Supplemental Box Relating to Sequence Listing

This sheet is employed where the international application contains disclosure of the nucleotide or amino acid sequence. Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA

- In this respect, there is no difference between the WO/ISA (items 3 to 5 of Box. No. I) or the WO/IPEA and the IPER. ("Basis of international search" in the WO/ISA corresponds to the "basis of international preliminary examination" in the WO/IPEA and the IPER.)

State the sequence listing on which the international preliminary examination is carried out based.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/JP2023/200022
Supplemental Box Relating to Sequence Listing		
Continuation of Box No. I, item 2:		
<p>1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this report has been established on the basis of a sequence listing:</p> <p>a. <input type="checkbox"/> forming part of the international application as filed.</p> <p>b. <input type="checkbox"/> furnished subsequent to the international filing date for the purposes of international search and/or examination, <input type="checkbox"/> accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.</p> <p>c. <input type="checkbox"/> furnished to this Authority as an amendment* under PCT Article 34 on _____.</p> <p>2. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this report has been established to the extent that a meaningful opinion referred to in Article 33(1) could be formed without a WIPO Standard ST.26 compliant sequence listing.</p> <p>3. Additional comments:</p>		
<p><small>* If item 4 in Box No. I applies, the sequence listing, which forms part of the basis of the report, may be marked "superseded."</small></p>		

Form PCT/IPEA/409 (Supplemental Box Relating to Sequence Listing) (July 2022)

(11) Supplemental Box

This sheet is employed where the continuation of preceding sheets is described. Otherwise, this sheet is not included in the IPER.

Difference from the instructions for preparation of the WO/ISA or the WO/IPEA

- In this respect, there is no difference between the WO/ISA or the WO/IPEA and the IPER.

State that the continuation of which Box is described.

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY SEARCHING AUTHORITY		International application No. PCT/JP2013/999999
Supplemental Box		
In case the space in any of the preceding boxes is not sufficient. Continuation of : Box.III		
Form PCT/IPEA/409 (Supplemental Box) (January 2015)		

3.11 Attachment Annexes to IPER

(1) Annexes attached to IPER

Where none of amendments or requests for rectification of the following (i) to (iii) have been submitted, the examiner does not attach annexes to the IPER.

On the other hand, where any one of amendments or requests for rectification of the following (i) to (iii) has been submitted, the examiner attaches the replacement sheets and the letters ([→ Notes 1](#)) for such amendment or rectification as annexes to the IPER.

See Appendix D for examples of annexes attached to the IPER. [→ Appendix D](#)

- (i) Article 19 amendments¹ ([→ Notes 2](#))
- (ii) Article 34 amendments²
- (iii) Request for rectification of obvious mistakes authorized by the IPEA³

a. Cases where amendments or request for rectification above have been submitted only once

All replacement sheets and letters submitted for the amendment or rectification are attached⁴.

b. Cases where amendments or request for rectification above have been submitted more than twice

As a general rule, replacement sheets and letters submitted for the amendment or rectification are attached [A36(1), R70.16]. However, the following points should be noted.

¹ “Statement under Article 19(1)” ([→ § 1.10.1 \(4\)](#)) is not attached since it corresponds to neither a replacement sheet nor a letter.

² Where the applicant is notified that amendment has not been taken into account by preparing the IPEA/432 (Communication regarding amendments not taken into account) ([→ § 5.11](#)), any replacement sheet and letter submitted for the amendment is not attached to the IPER.

³ Even if the requests for rectification of the obvious mistakes has been submitted, where the ISA had authorized or the IPEA had not authorized the rectification, any replacement sheet and letter submitted for the rectification is not attached to the IPER.

⁴ Since entry of amendments is determined ultimately by each elected state, any replacement sheet and any letter submitted for the amendments shall be annexed to the IPER even when the IPEA determined that the amendments do not comply with the substantive requirements for amendment.

- (i) The replacement sheet and letter superseded or considered reversed by the later amendment are treated as follows, depending on whether such later amendment meets substantive requirements of amendment ([→ § 3.3.4 \(2\)](#)).
- Such replacement sheet and letter are not attached if such later amendment is determined to meet substantive requirements [R70.16(a)].
 - Where no replacement sheet accompanying letter is attached, such letter is not attached, neither.
 - Such replacement sheet and letter are attached if such later amendment is determined not to meet substantive requirements [R70.16(b)]. In this case, the examiner shall:
 - indelibly mark, in the middle of the bottom margin of each superseded replacement sheet, the word “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))”.
 - indelibly mark, in the middle of the bottom margin of each letter relating to a superseded replacement sheet, the word “ACCOMPANYING LETTER (RULE 70.16(b))”.
- (ii) The replacement sheet superseded or considered reversed by the replacement sheet submitted for the later rectification (rectification authorized by the IPEA) is not attached [R70.16(a)].
- (iii) When the claims are amended, replacement sheets containing a complete set of claims and letter are attached¹ [R46.5(a), R66.8(c)].

¹ However, the replacement sheet superseded by the replacement sheet submitted for the later rectification is not attached. [→ § D.4 Example 17](#), [Example 18](#)

Notes 1

What is a “letter”?

The “letters” means documents pertaining to the set of documents including each replacement sheet submitted for amendments under Article 19, for amendment under Article 34, or for rectification of an obvious mistake, other than the replacement sheet and the “Statement under Article 19(1)” ([→ § 1.10.1 \(4\)](#)). Any sheet in which bibliographic items are stated (i.e., a cover sheet), etc. is also part of the “letters”.

The following content is stated in the “letters” [R66.8(a), (c), R46.5(b), R91.2, R26.4].

(a) Any letter for amendments under Article 19 or amendments under Article 34

- Drawing attention to the differences between before amendment and after amendment
- Indication of locations of the recitations supporting the amendments in the original international application at the time of filing of the international application (description, claims, etc.)

(b) Any letter for rectification of obvious mistakes

- Drawing attention to the difference between the sheet to be replaced and the replacement sheet

Notes 2

Attachment of amendments under Article 19

A copy of amendments under Article 19 is normally sent from the IB to the IPEA (Form PCT/IB/337 is used) [R62.1(ii)]. Meanwhile, it may be directly submitted by the applicant to the IPEA prior to the above sending from the IB to the IPEA (in normal cases, it is attached to the request for international preliminary examination) [R53.9(a)(i), R62.2]. The examiner only attaches either one of the copies of the Article 19 amendments to the IPER as part of the Annexes thereto.

It shall be noted that, if employing Form PCT/IB/337 to attach Article 19 amendments, cover letter of such form is not attached to the IPER as part of annexes.

(2) Types of annexes attached to IPER

The examiner confirms the types of the annexes to be attached to the IPER in light of the Table 3-5. Also, the result of confirmation is to be stated in the cover sheet of the IPER. [→ § 3.10 \(1\)](#)

Table 3-5 Types of annexes attached to IPER

Types of annexes	Replacement sheet and letter
(a) Sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).	Replacement sheet and letter other than (c) below
(b) Sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).	None → Comments
(c) Superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).	Replacement sheet marked with “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))” and Letter marked with “ACCOMPANYING LETTER (RULE 70.16(b))”

Comments

PCT Rule 70.16(a)(iv) provides that, as annexes to be attached to the IPER, “where the report contains an indication referred to in Rule 70.2(e), any sheet and letter relating to a rectification of an obvious mistake which is not taken into account pursuant to Rule 66.4bis”. The item (b) in Table 3-5 is to be interpreted as the annexes to be attached pursuant to the above provision. Meanwhile, the JPO acting as an IPEA always takes into account the rectification of an obvious mistake regardless of the provision of the PCT Rule 66.4bis when the indication under Rule 70.2(e) (item 5. of Box No. I of the IPER) is to be made (→ § 5.4.2 (2) c.). Accordingly, no annexes of item (b) are to be annexed to the IPER.

3.12 Instructions for Preparation of the Notification of Transmittal of the IPRP (II) (IPEA/416)

Only bibliographical matters have to be stated in this form.

PATENT COOPERATION TREATY		
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		
To: DAIRI,Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan		PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER II OF THE PATENT COOPERATION TREATY) (PCT Rule 71.1)
Applicant's or agent's file reference 5678H		Date of mailing (day/month/year)
IMPORTANT NOTIFICATION		
International application No. PCT/JP2013/999999	International filing date (day/month/year) 20 December 2013	Priority date (day/month/year) 20 December 2012
Applicant PATENT CORPORATION		
1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application. 2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices. 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices. REMINDER 4. The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301). Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned. For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the <i>PCT Applicant's Guide</i> . The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.		
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan		Authorized officer Commissioner of the Patent Office 9Z 9999 Telephone No. +81-3-3581-1101 Ext. 0011

Form PCT/IPEA/416 (January 2004)

Indicate art unit code, examiner's code, and telephone number. "Commissioner of the Patent Office" shall be described in the field "Authorized officer".

3.13 Procedures after Completion of WO/IPEA or IPER

3.13.1 Procedures after Completion of WO/IPEA

The Examiner shall note that the following operations may be carried out even after the WO/IPEA is completed.

(1) Request for extension of the designated time limit by applicant

The time limit designated in the WO/IPEA for replying to the notification may be extended if the applicant so requests before its expiration [R66.2(e)].

Where the applicant requests to extend the time limit for replying to the WO/IPEA before the expiration of such time limit, the examiner determines the approval or disapproval of the extension as soon as possible and notifies to the applicant the determination. See Chapter 5 for details of the response to the request of extension of the designated time limit submitted by the applicant. [→ § 5.10](#)

(2) Communication regarding amendments not taken into account

Where an amendment under Article 34 is submitted in spite of completion of establishment of the WO/IPEA, the examiner, by using Form PCT/IPEA/432, prepares “Communication Regarding Amendments Not Taken into Account” (IPEA/432), and sends to the applicant the notification that such amendment was not taken into account when establishing the WO/IPEA. [→ § 5.11](#)

However, it should be noted that the examiner must take the amendment by the amendments into account when the next round of procedure is started.

3.13.2 Procedures after Completion of IPER

The Examiner shall note that the following operations may be carried out even after the IPER is completed.

(1) Rectification of Obvious Mistakes

The request rectification of obvious mistakes can be submitted to the “Competent Authority” within 26 months from the priority date [R91.2].

Therefore, the applicant can request voluntary rectification of obvious mistakes in the description, the claims, or the drawings of the international application even after receiving the IPER.

If the rectification of the obvious mistakes is requested, the examiner shall decide authorize the rectification and notify that result to the applicant and the IB. For the details of the response in the case where the rectification of obvious mistakes is requested from the applicant, see chapter 5. [→ § 5.4.2](#)

(2) Communication regarding amendments not taken into account

Where an amendment under Article 34 is submitted in spite of completion of establishment of the IPER, the examiner, by using Form PCT/IPEA/432, prepares “Communication Regarding Amendments Not Taken into Account” (IPEA/432), and sends to the applicant the notification that such amendment was not taken into account when establishing the IPER. [→ § 5.11](#)

(3) Correction of the IPER

The examiner corrects the IPER, if the correction of it is required after completion of it. For example, the examiner needs to correct the IPER in the case of the following [GL19.34].

- Case where the examiner has established the IPER without taking into account the amendments timely submitted within the period ([→ § 3.3.4 \(1\) b.](#)) during which the amendments submitted shall be taken into account into account

A corrected IPER will not be established merely because the applicant disagrees with the IPER established by the examiner [GL19.34]

Chapter 4

Criteria

for Substantive Requirements

in the International Phase

Chapter 4

Criteria for Substantive Requirements in the International Phase

Table of Contents

4.1	Exclusions from Search/Examination	1
4.1.1	Subject Matter for Which Search/Examination is not Required	2
4.1.2	Inventions for Which a Meaningful Search/Examination cannot be Couducted as a Result of Violation of Requirements for the Description, Claims or Drawings.....	9
4.1.3	Inventions for Which a Meaningful Search/Examination cannot be Couducted as a Sequence Listing was Unavailable	16
4.1.4	Inventions in Respect of Which no ISR Has Been Established	18
4.2	Unity of Invention.....	23
4.3	Prior Art (Disclosure as the Basis of Determination of Novelty and Inventive Step).....	34
4.4	Novelty	39
4.5	Inventive Step.....	43
4.6	Industrial Applicability	46
4.7	Requirements for Description and Claims.....	49
4.8	Amendment	56
4.9	Priority	58

Overview of this chapter

This chapter gives criteria for substantive requirements (requirements which the examiners should determine) in the international phase.

In regard to each substantive requirement, “(1) Overview of related treaties, rules, guidelines, and others” shows overview of the provisions, etc. with which the examiner should comply in the international phase, and on the basis of it, “(2) Criteria in the international phase” states in detail how the JPO examiner determines whether or not each substantive requirement are satisfied.

Especially, in respect of substantive requirement in the international phase to which there is similar requirement in Japan, it is clearly described the differences between the criteria in the international phase and in the Japanese examination guidelines (JPGL).

About hyperlinks

Explanations in this chapter referring to JPGL are provided with hyperlinks to JPGL, labeled [F, A] or [F]. “F” means hyperlinks to full texts of JPGL (PDF files disclosed in the home page of the JPO), and “A” means hyperlinks to abstracts of JPGL (“Overview of related parts of JPGL” described in the end of each section in this chapter).

Example: JPGL Part III Chapter 1, 2.1.5 (2) (Mere presentation of information) [F, A]

About “Overview of related parts of JPGL”

An “Overview of related parts of JPGL” described in the end of each section is a summary or excerpt of some descriptions of JPGL which is considered to be important for foreseeing results of determination of respective substantive requirements. They are intended to provide reference information in order to improve the applicant's convenience. However, it should be noted that the summary or excerpts in nature do not comprehensively include all pieces of relevant information.

In order to accurately comprehend JPGL, it is required to refer to full texts of the JPGL by use of the hyperlinks labeled “F”.

In this regard, the full texts of JPGL can also be referred to from the URLs provided below.

Japanese version:

https://www.jpo.go.jp/system/laws/rule/guideline/patent/tukujitu_kijun/index.html

English version (provisional translation):

https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/tukujitu_kijun/index.html

4.1 Exclusions from Search/Examination

When claims of a PCT international application includes any of the following items (i) to (iv), it can be excluded from an international search and an international preliminary examination (hereinafter referred to simply as “search/examination”).

The criteria for each of items (i) to (iv) are explained in §4.1.1 to §4.1.4.

- (i) Subject matter for which search/examination is not required → [§ 4.1.1](#)
- (ii) Inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings → [§ 4.1.2](#)
- (iii) Inventions for which a meaningful search/examination cannot be conducted as a sequence listing was unavailable → [§ 4.1.3](#)
- (iv) Inventions in respect of which no ISR has been established → [§ 4.1.4](#)

In this regard, (iv) “Inventions in respect of which no ISR has been established” (→ [§ 4.1.4](#)) can be excluded only from an international preliminary examination but not from an international search.

In considering exclusions from search/examination, examiners should note following matters.

Attention

- In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination. However, the determination can also be made on a per-alternative basis in such a case as claim 3 of the following example.

Example:

Claim 1 XX comprising A (corresponds to an excluded claim)

Claim 2 XX comprising B (does not correspond to an excluded claim)

Claim 3 XX according to claim 1 or 2, further comprising C

- The examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible.

4.1.1 Subject Matter for Which Search/Examination is not Required

(1) Overview of related treaties, rules, guidelines, and others

- The ISA/IPEA is not required to search or examine the subject matter provided by PCT Rules 39.1 and 67.1 [A17(2)(a)(i), A34(4)(a)(i), R39.1, R67.1]. While the subject matter in these Rules may be excluded from search/examination, there is no requirement that it be excluded. Such subject matter may be searched or examined by the ISA/IPEA even when the subject matter is not considered patentable under the respective national law [GL9.02].
- Regarding dependent claims, any dependent claim which refers to more than one other claim ("multiple dependent claim") shall not serve as a basis for any other multiple dependent claim, and the ISA/IPEA is not required to search or examine the claims in violation if the respective national laws similarly restrict the use of multiple dependent claims as such [A17(2)(a)(i), A34(4)(b), R6.4(a), GL9.41, GL16.28].
- Any such subject matter which each ISA/IPEA is prepared to search or examine is set forth in an Annex to the Agreement between that Authority and the International Bureau ([→ § 1.6.1\(4\)](#)). Accordingly, the subject matter excluded from search/examination may vary between the various ISAs/IPEAs [GL9.02].
- As a general principle, a search is to be carried out wherever practicable [GL9.03].
- In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended [R33.3(b), GL15.66].

(2) Criteria in the international phase

The examiner determines claims¹ which are excluded from search/examination in light of Table 4-1.

PCT Rules 39.1 and 67.1 define the subject matter for which search/examination is not required. However, even when a claim corresponds to such subject matter, the JPO as the ISA/IPEA does not immediately exclude it from search/examination.

Regarding dependent claims, although it is stated that multiple dependent claims shall not serve as a basis for any other multiple dependent claim and that the ISA/IPEA

¹ In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination ([→ § 4.1 Attention](#)).

is not required to search or examine the claims in violation if the respective national laws similarly restrict the use of multiple dependent claims as such, the JPO acting as ISA/IPEA does not make such claims in violation exclude from search/examination.

The examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible, because, as a general principle, a search is to be carried out wherever practicable [GL9.03]. For instance, even when a particular claim can be excluded from search/examination, the examiner does not exclude it if a meaningful search/examination is possible when the subject matter to which the claim might reasonably be expected to be directed after it has been amended is taken into consideration. Search/examination is carried out on the basis of the subject matter to which the claim might reasonably be expected to be directed after it has been amended [R33.3(b),GL15.66].

Table 4-1 Criteria for exclusion from search/examination regarding “Subject matter for which search/examination is not required”

R39.1/R67.1	Exclusion/Non-Exclusion	Criteria
(i) Scientific and mathematical theories	Can be excluded	Only a claim which obviously corresponds to (i) can be excluded. A claim which does not obviously correspond to (i) cannot be excluded. → Comments (a)
(ii) Plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes	Cannot be excluded → Comments (b)	—
(iii) Schemes, rules or methods of doing business, performing purely mental acts or playing games	Can be excluded [GL A9.07[2]]	Only a claim which obviously corresponds to (iii) can be excluded. A claim which does not obviously correspond to (iii) cannot be excluded. → Comments (a)
(iv) Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods	Cannot be excluded → Comments (b) , (c)	—
(v) Mere presentations of information	Can be excluded	A determination is made as to whether or not a claim corresponds to (v) on the basis of JPGL Part III Chapter 1, 2.1.5 (2) (Mere presentation of information) [F , A]. Only a claim determined to be corresponding to (v) can be excluded.
(vi) Computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs	Cannot be excluded [GL A9.15[2]]	— * However, a claim corresponding to any of (i), (iii), and (v) can be excluded for those reasons. → Comments (d)
R6.4(a)	Exclusion/Non-Exclusion	Criteria
(vii) Multiple dependent claims serving as a basis for any other multiple dependent claim	Cannot be excluded [GL A5.16[2]] → Comments (e)	—

Comments

- (a) There is no type in JPGL which clearly corresponds to (i) or (iii), and it is therefore difficult to appropriately define criteria on the basis of JPGL. Accordingly, only a claim which obviously corresponds to (i) or (iii) can be excluded with consideration of the principle that the examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible.
- (b) A claim corresponding to (ii) or a portion of (iv) (methods for treatment of animal body by surgery or therapy, as well as diagnostic methods) is subject of search/examination in JPGL. According to the agreement between the JPO as the ISA/IPEA and the IB (Article 4 and Annex C) ([→ § 1.6.1 \(4\)](#)), subject matter which is searched or examined in Japanese national applications cannot be excluded from search/examination [GL 9.02]. Consequently, a claim corresponding to (ii) or (iv) is not excluded from search/examination.
- (c) A claim corresponding to a portion of (iv) (methods for treatment of the human body by surgery or therapy, as well as diagnostic methods) can be excluded from search/examination in Japanese national applications. However, in many cases, a search/examination for these methods will be substantially completed through a search/examination for corresponding medical equipment or a medicine. Moreover, these methods are subject of search/examination in a domestic phase of some countries. Therefore, conducting a search/examination for these methods in the international phase is meaningful. Thus, according to the agreement between the JPO as the ISA/IPEA and the IB (Article 4 and Annex C) ([→ § 1.6.1 \(4\)](#)), a claim is not excluded from search/examination only because it corresponds to (iv).
- (d) In regard to (vi), many claims for which search is not conducted in Japanese national applications would correspond to any of (i), (iii), and (v) when considering their content regardless of their format or type. Consequently, a claim is not excluded from search/examination only because they correspond to (vi).

Example: A program whose characteristic substantially lies in solely a mathematical algorithm [→ \(i\)](#)

A program whose characteristic lies in a business method per se [→ \(iii\)](#)

A program list [→ \(v\)](#)

- (e) In regard to (vii), in Japanese national applications, multiple dependent claims shall not serve as a basis for any other multiple dependent claim, and the claims in violation are excluded from search/examination. However, some countries do not restrict the use of multiple dependent claims as a basis for any other multiple dependent claim in the national phase and make such claims subject to search/examination. Therefore, conducting a search/examine for such claims in the international phase is meaningful. Thus, a claim is not excluded from search/examination only because it corresponds to (vii).

(3) Points of attention

Forms and boxes used for preparation of the ISR, written opinion or IPER.

In the case of either a. or b. shown below as a result of determination based on (2), the examiner points it out in the ISR¹, written opinion, or IPER.

→ [§ 2.7.1 \(1\)](#), [§ 3.8 \(1\)](#)

a. The case where a particular claim is excluded from search/examination²

In this case, the examiner points it out in Box No. II of the ISR and/or Box No. III of the written opinion or IPER.

b. The case where subject of search/examination is limited in a particular claim

In this case, the examiner points it out in Box No. V of the written opinion or IPER.

Example: The case where, even though a particular claim is not excluded, search/examination is conducted on the basis of the subject matter to which the claim might reasonably be expected to be directed after it has been amended

[Reference] Overview of related parts of JPGL

JPGL Part III Chapter 1 Eligibility for Patent and Industrial Applicability
(Main Paragraph of Article 29(1) of the Patent Act) [F]

2.1 List of Subject Matters Not Corresponding to Statutory “Inventions” [F]

2.1.5 (2) Mere presentation of information [F]

Mere presentation of information (where the feature resides solely in the content of the information, and the main object is to present information) is not considered as a statutory “invention”.

Following examples correspond to mere presentation of information.

¹ When all claims are excluded from search/examination, it is pointed out in ISA/203 (Declaration of non-establishment of ISR) and Box No. III of the written opinion of the ISA (the ISR is not prepared).

² It includes a case when a particular alternative in a claim is excluded from search/examination (→ [§ 4.1 Attention](#)).

- A written manual for instructing an operation of a machine or directing a use of a chemical substance
- An audio CD the feature of which resides solely in music recorded thereon
- Image data taken with a digital camera
- A program of an athletic meeting made by a word processor
- A computer program list (mere representation of computer programs by means of printing them on paper, displaying them on a screen, etc.)

If a technical feature resides in presentation of information (presentation per se, means for presentation, a method for presentation, etc.), a claimed invention is not considered as mere presentation of information.

4.1.2 Inventions for Which a Meaningful Search/Examination cannot be Conducted as a Result of Violation of Requirements for the Description, Claims or Drawings

(1) Overview of related treaties, rules, guidelines, and others

- Inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements¹ for the description, claims or drawings can be excluded from search/examination [A17(2)(a)(ii), A34(4)(a)(ii)].
- It is exceptional situations where no search at all is possible for a particular claim. Even though a part or parts of the claims are not in compliance with the prescribed requirements, a search is performed insofar as the examiners can sufficiently understand the description, claims, or drawings [GL9.01, GL9.19, GL9.26].
- Even when claims do not meet the prescribed requirements, search/examination is conducted if a meaningful search/examination of all or some of the claims is possible when taking into account a likely amendment to overcome the non-compliance [R33.3(b), GL9.26].

(2) Criteria in the international phase

a. Basic ideas

When the examiner considers that **the entirety of a particular claim** corresponds to “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings”, the claim² can be excluded from search/examination [A17(2)(a)(ii), A34(4)(a)(ii)].

On the other hand, when the examiner considers that **only a part of a particular claim** corresponds to “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings”, the claim cannot be excluded from search/examination. However, the examiner can limit the subject of search/examination to only a part of the claim for which a meaningful search/examination can be conducted. [→ b. \(a\)](#)

¹ When requirements under PCT Article 5 and Article 6 are not complied, the examiner determines that requirements for the description, claim, or drawings are not satisfied. [→ § 4.7](#)

² In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination ([→ § 4.1 Attention](#)).

Only a part of a claim falling under any one of (i) to (iii) in Table 4-2 shown below can be considered as the part which corresponds to “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings”. The examiner needs to conduct a search/examination for other than such part.

Table 4-2 A part which can be considered as “invention for which a meaningful search/examination cannot be conducted”

(i)	When enablement requirements are not fulfilled	A part of a claim which is not clearly and fully stated to such an extent that the person skilled in the art can carry out it, in a case when it is obvious that description is not stated to such an extent that the person skilled in the art can carry out claimed invention
(ii)	When clarity requirements are not fulfilled	A part of a claim which cannot be clearly understood even when statement of the descriptions ,drawings and common general knowledge at the time of filing are taken into consideration
(iii)	When support requirements are not fulfilled	A part of claim which exceeds “the extent of disclosure” in a case when the claimed invention exceeds “the extent of disclosure in the description to which a person skilled in the art would recognize that a problem to be solved by the invention would be actually solved”

The examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible.

For instance, even when a particular claim can be excluded from search/examination, the examiner does not exclude it if a meaningful search/examination is possible when the subject matter to which the claim might reasonably be expected to be directed after it has been amended is taken into consideration. Search/examination is carried out on the basis of the subject matter to which the claim might reasonably be expected to be directed after it has been amended [R33.3(b), GL9.26]. [→ b. \(b\)](#)

b. Detailed method of determination

The examiner determines whether or not a claim includes a part corresponds to (i) to (iii) in Table 4-2, on the basis of JPGL shown below. [→ § 4.7 \(2\)](#)

- (i) JPGL Part II Chapter 1¹ (Enablement requirement) [[F](#), [A](#)]
- (ii) JPGL Part II Chapter 2 Section 3 (Clarity requirement) [[F](#), [A](#)]
- (iii) JPGL Part II Chapter 2 Section 2 (Support requirement) [[F](#), [A](#)]

(a) In the case where a claim includes a part for which a meaningful search/examination can be conducted

Even when a part of a particular claim corresponds to any of (i) to (iii) in Table 4-2, the claim is not excluded from search/examination in the case where the claim includes a part for which a meaningful search/examination can be conducted. Search/examination is conducted limitedly with regard to the parts of the claim for which a meaningful search/examination can be conducted.

Example 1:

Claim 1 A hybrid car of which energy efficiency during running on electricity is a–b%, as measured by X test method.

Precondition

- In the technical field of hybrid cars, it is common general knowledge at the time of filing that the energy efficiency is normally about x %, far lower than a %, and it is difficult to achieve higher energy efficiency such as a–b %.
- The description only refers to “a hybrid car equipped with a control means to perform Y control for a belt-type continuously-variable transmission” as a specific example.
- In light of the description, as well as the common general knowledge at the time of filing, it is understood that the similar high-energy efficiency can also be achieved by adopting a control means to perform Y control for a continuously-variable transmission other than the belt-type one.

Explanation

In light of the description, as well as the common general knowledge at the time of filing, the claim includes a part corresponding to (i) or (iii). However, a meaningful search/examination can be conducted with regard to at least “a hybrid car equipped with a control means to perform Y control for a continuously-variable transmission”. Therefore, the claim is not excluded from search/examination. Search/examination is conducted limitedly with regard to the parts of the claim, including the above-mentioned part, for which a

¹ However, lack of a requirement for deposition of a microorganism is not considered to constitute a violation of the enablement requirement. → [§ 4.7 \(2\)](#)

meaningful search/examination can be conducted.

In this regard, in the case where subject of search/examination is limited in a particular claim as mentioned above, the examiner points it out in Box No. VIII (and Box No. V if necessary) of the written opinion or IPER. → (3) b.

(b) In the case where a meaningful search/examination is possible when the reasonably expected amendment is taken into consideration

Even when a particular claim corresponds to any of (i) to (iii), the examiner does not exclude it if a meaningful search/examination is possible when the subject matter to which the claim might reasonably be expected to be directed after it has been amended is taken into consideration in light of the description (particularly an specific example) and drawings. Search/examination is conducted on the basis of the subject matter to which the claim might reasonably be expected to be directed after it has been amended

Example 2:

Claim 1 A reclining chair characterized by having a rotatable caster, a seat, and a back rest set on the seat in a reclinable manner, such as that shown in Figure 1.

Precondition

- Figure 1 describes a reclining chair having a back rest. In light of the description and the drawings, the description “a back rest, such as that shown in Figure 1” is expected to mean “a back rest having a recess fitting to the shape of a back”.
- However, the possibility that the description “a back rest, such as that shown in Figure 1” has other meaning (e.g. “a back rest having a spring built-in”) cannot be denied.

Explanation

The description “a back rest, such as that shown in Figure 1” does not clearly designate what is meant. However, in light of the description and the drawings, this description might reasonably be expected to be amended to “a back rest having a recess fitting to the shape of a back”. Therefore, the claim is not excluded from search/examination. The examiner conducts a search/examination with regard to the claim on the basis of the expected amended claim.

In this regard, in the case where subject of search/examination is limited in a particular claim as mentioned above, the examiner points it out in Box No. VIII (and Box No. V if necessary) of the written opinion or IPER. → (3) b.

Special comments

A particular claim is excluded only in an exceptional case where the claim does not include any part for which a meaningful search/examination can be conducted even in light of subject matter to which the claim might reasonably be expected to be directed after it has been amended, like an example provided below [GL 9.26, GL 9.28].

Example 3:

Claim 1 My invention is worth a million dollars.

Precondition

- It is impossible to understand what invention the claim specifically intends even in light of the description and drawings, as well as the common general knowledge at the time of filing.

Explanation

An invention described in claim 1 cannot be clearly understood even in light of the description and drawings, as well as the common general knowledge at the time of filing. Moreover, an amendment which will enable a meaningful search/examination to be carried out cannot be expected. Therefore, claim 1 does not include any part for which a meaningful search/examination can be conducted, and claim 1 can be excluded from search/examination.

In this regard, in the case where a particular claim is excluded from search/examination as mentioned above, the examiner points it out in Box No. II of the ISR and/or Box No. III of the written opinion or IPER. → [\(3\) a.](#)

(3) Points of attention

Forms and boxes used for preparation of the ISR, written opinion or IPER.

In the case of either a. or b. shown below as a result of determination based on (2), the examiner points it out in the ISR, written opinion, or others.¹

→ [§ 2.7.1 \(1\)](#), [§ 3.8 \(1\)](#)

¹ When all claims are excluded from search/examination, it is pointed out in ISA/203 (Declaration of non-establishment of ISR) and Box No. III of the written opinion of the ISA (the ISR is not prepared).

a. The case where a particular claim is excluded from search/examination¹

In this case, the examiner points it out in Box No. II of the ISR and/or Box No. III of the written opinion or IPER.

Example: The case where the claim does not include any part for which a meaningful search/examination can be conducted even in light of subject matter to which the claim might reasonably be expected to be directed after it has been amended ([→ \(2\) Example 3](#))

b. The case where subject of search/examination is limited in a particular claim

In this case, the examiner points it out in Box No. VIII (and Box No. V, if necessary) of the written opinion or IPER.

Example 1: The case where, even though a particular claim is not excluded, search/examination is conducted limitedly with regard to the parts of the claim for which a meaningful search/examination can be conducted ([→ \(2\) Example 1](#))

Example 2: The case where, even though a particular claim is not excluded, search/examination is conducted on the basis of the subject matter to which the claim might reasonably be expected to be directed after it has been amended ([→ \(2\) Example 2](#))

Informal clarification

In the event that requirements for the description, claims, or drawings are not satisfied to such an extent that no meaningful search can be made, the examiner may, where appropriate, ask the applicant informally for clarification [GL9.34, GL9.35].

When the examiner asks the applicant informally for clarification in the international search stage, an ISA/207 is prepared. For details, see Chapter 5 [→ § 5.3.1](#)

¹ It includes a case when a particular alternative in a claim is excluded from search/examination ([→ § 4.1 Attention](#)).

[Reference] Overview of related parts of JPGL

JPGL Part I Chapter 2 Procedures of Examination

Section 2 Prior Art Search and Determination of Novelty, Inventive Step, etc.

[\[F\]](#)

2.3 Invention that may be excluded from the subject of search [\[F\]](#)

Inventions that fall under any one of the following cases (i) to (vi) may be excluded from the subject of prior art search.

- (i) Invention to which new matters have been clearly added (non-compliance with the requirements of Article 17*bis*(3))
- (ii) Invention clearly directed to a category of unpatentable invention (violation of the provisions of Article 32)
- (iii) Invention clearly not falling under the “invention” defined in Article 2 or invention clearly not industrially applicable (violation of the provisions of the main paragraph of Article 29 (1))
- (iv) Claimed invention whose statement is so unclear that the invention cannot be recognized even by taking into consideration the detailed description of the invention, drawings and common general technical knowledge as of the filing (non-compliance with the requirements of Article 36 (6)(ii))
- (v) In a case where it is obvious that the statement in the detailed description of the invention is unclear or insufficient for a person skilled in the art to carry out the claimed invention, the invention directed to the part that cannot be carried out by the person skilled in the art due to unclear or insufficient statement in the detailed description of the invention (non-compliance with the requirements of Article 36 (4)(i))
- (vi) In a case where it is obvious that the claimed invention exceeds the extent of disclosure in the description to which a person skilled in the art would recognize that a problem to be solved by the invention, the invention directed to the part that “exceeds the extent of disclosure in the detailed description of invention” (non-compliance with Article 36(6)(i))

4.1.3 Inventions for Which a Meaningful Search/Examination cannot be Conducted as a Sequence Listing was Unavailable

(1) Overview of related treaties, rules, guidelines, and others

- Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences (hereinafter referred to as “sequence” only), a sequence listing complying with the standard provided for in the Annex C of Administrative Instructions [S208] is required to be furnished [R5.2(a)].
- Where the applicant has not furnished the sequence listing satisfying the above-mentioned standard and containing language-dependent free text in a language acceptable to the ISA/IPEA (in English for the JPO as the ISA/IPEA), the ISA/IPEA may invite the applicant to furnish the sequence listing for the purposes of the international search or the international preliminary examination [R13ter.1(a), R13ter.2, and paragraph 19 of the Annex C of Administrative Instructions].
- When the applicant does not furnish the invited sequence listing, the ISA/IPEA shall only be required to conduct a search/examination of the international application to the extent that a meaningful search/examination can be carried out without the sequence listing [R13ter.1(d), R13ter.2].

(2) Criteria in the international phase

Where the international application satisfies all of the following requirements, the examiner may establish the “Invitation to furnish nucleotide and/or amino acid sequence listing and to pay, where applicable, late furnishing fee” (ISA/225 or IPEA/441), and can invite the applicant to furnish the sequence listing ([→ § 5.5.2](#)).

- (i) The international application contains disclosure of sequence
- (ii) The sequence listing satisfying the predetermined standard is not furnished ([→ § 5.5.1\(2\)](#))
- (iii) There are inventions for which meaningful search/examination cannot be conducted without the sequence listing

Only when the applicant does not furnish the sequence listing despite notification of the ISA/225 or IPEA/441, the examiner can exclude the claim for which a meaningful search/examination cannot be conducted without the sequence listing¹.

In this regard, the examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible.

(3) Points of attention

Forms and boxes used for preparation of the ISR, written opinion or IPER.

In the case where a particular claim is excluded from search/examination as a result of determination based on (2), the examiner points it out in Box No. II of the ISR and/or Box No. III of the written opinion². [→ § 2.7.1 \(1\)](#), [§ 3.8 \(1\)](#)

¹ In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination ([→ § 4.1 Attention](#)).

² When all claims are excluded from search/examination, it is pointed out in ISA/203 (Declaration of non-establishment of ISR) and Box No. III of the written opinion of the ISA (the ISR is not prepared).

4.1.4 Inventions in Respect of Which no ISR Has Been Established

(1) Overview of related treaties, rules, guidelines, and others

- Claims relating to inventions in respect of which no ISR has been established need not be the subject of international preliminary examination [R66.1(e), GL19.25].

(2) Criteria in the international phase

a. Basic ideas

The examiner does not need to consider as to whether or not an “invention in respect of which no ISR has been established” is included when an international preliminary examination can be conducted with regard to all claims.

The examiner notes following matters in consideration of whether or not an “invention in respect of which no ISR has been established” is included.

- The examiner determines as to whether or not an “invention in respect of which no ISR has been established” is included on the basis of “Detailed method of determination” ([→ b.](#)).
 - On this occasion, it is determined on the basis of claims from which exclusions from search/examination for another reason ([→ § 4.1.1](#), [§ 4.1.2](#), [§ 4.1.3](#)) are excluded (hereinafter referred to simply as “claims” in this section).
- Such consideration is not carried out in the international search stage (at the time of preparation of the ISR and WO/ISA).

When an “invention in respect of which no ISR has been established” is found as a result of consideration, a claim relating to the invention may be excluded from international preliminary examination¹.

In this regard, the examiner determines the exclusions from search/examination in such a way that exclusions are minimized as far as possible.

¹ In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination ([→ § 4.1 Attention](#)).

b. Detailed method of determination

(a) When the claims are not amended

When the claims are not amended after preparation of the ISR, a claimed invention corresponding to the subject of search in ISR ([→ § 2.5](#)) is determined as an “invention in respect of which ISR has been established”. Otherwise, a claimed invention is determined as an “invention in respect of which no ISR has been established”.

(b) When the claims are amended

When the claims are amended after preparation of the ISR, a claimed invention corresponding to any of the following is determined as an “invention in respect of which ISR has been established”. Otherwise, a claimed invention is determined as an “invention in respect of which no ISR has been established”.

- A claimed invention having unity of invention with respect to a “main invention”¹ in the ISR
- A claimed invention having unity of invention with respect to an “additional invention”^{2,3} for which an international search was conducted in the ISR

In other words, among the claimed inventions after the amendments, only a claimed invention is determined as an “invention in respect of which ISR has been established” that does not have unity of invention with respect to either the “main invention” or the “additional invention” for which an international search was conducted in the ISR. [→ Comments](#)

In detail, the examiner makes determination according to the following procedures, which are derived from JPGL Part IV Chapter 3 (Amendment

¹ A “main invention” is “a group of inventions so linked as to form a single general inventive concept” for which search/examination is required regardless of whether or not required additional fees have been paid [A17(3)(a), R13.1]. [→ § 4.2](#)

² An “additional invention” is “a group of inventions so linked as to form a single general inventive concept” written in the claims other than the “main invention”. [→ § 4.2](#)

³ An “additional invention” for which additional fee was not paid but for which an international search was conducted because an additional search was hardly required or not required at all is considered as corresponding to an “additional invention” for which an international search was conducted in the ISR” only when a search is conducted for the entirety of an “additional invention” at the time of preparation of the ISR.

Changing Special Technical Feature of Invention), 3.1 (Specific determination procedures) [F, A].

A procedure for determining “invention in respect of which no ISR has been established”

A claimed invention which is not determined as an “invention in respect of which ISR has been established” in relation to both (i) and (ii) provided below corresponds to an “invention in respect of which no ISR has been established”.

In relation to (i), when all claimed inventions after the amendments are determined as “invention in respect of which ISR has been established”, an step of (ii) does not need to be carried out.

- (i) Provided that all claimed inventions after the amendments are stated subsequently to all claimed inventions classified as the “main invention” in the ISR, it is determined as to whether or not requirement for unity of invention are fulfilled. The determination of unity of invention is conducted along procedures referred to in § 4.2. → [§ 4.2 \(2\)](#)

As a result of determination, a claimed invention having unity of invention with respect to the “main invention” in the ISR is determined as an “invention in respect of which ISR has been established”.

- (ii) When an international search is conducted for one or a plurality of “additional inventions” as well as for the “main invention” in the ISR, a determination is carried out to each of the “additional inventions” in the same manner as in (i). In short, provided that all claimed inventions after the amendments are stated subsequently to all claimed inventions classified as each “additional invention” in the ISR, it is determined as to whether or not requirement for unity of invention are fulfilled¹.

Comments

Provided that a claimed invention after the amendment having unity of invention with respect to a “main invention” or an “additional invention” for which an international search was conducted in the ISR has already been written in the yet-to-be amended claim, the

¹ For instance, “additional inventions” in the ISR are three and if the ISR is prepared to all of the additional inventions, the procedure of (ii) is carried out three times.

invention should have been classified as the “main invention” or the “additional invention.

It is not appropriate that the invention of such a claim is determined as an “invention in respect of which no ISR has been established”. Therefore, only a claimed invention not having unity of invention with respect to either the “main invention” or the “additional invention” is determined as an “invention in respect of which no ISR has been established”.

(3) Points of attention

Forms and boxes used for preparation of the ISR, written opinion or IPER.

In the case where a particular claim is excluded from search/examination as a result of determination based on (2), the examiner points it out in Box No. III of the WO/IPEA or IPER. → [§ 3.8 \(1\)](#)

[Reference] Overview of related parts of JPGL

JPGL Part IV Chapter 3 Amendment Changing Special Technical Feature of Invention (Patent Act Article 17bis(4)) [\[F\]](#)

1. Overview [\[F\]](#)

The amendment which changes the special technical feature of the invention is an amendment after which the requirements of unity of invention are not fulfilled between the following inventions (i) and (ii), and Article 17bis(4) extends the requirements of unity of invention under Article 37 to between the inventions stated in the claims before and after the amendment.

- (i) All the inventions for which it is determined whether the invention is unpatentable in a notice of reasons for refusal, among the inventions stated in the claims before the amendment
- (ii) All the inventions identified by the matters stated in the claims after the amendment

If an amendment which changes a special technical feature of an invention is made, it may become impossible for the examiner to effectively utilize results of prior art searches and examinations which have been conducted until then. In this case, the examiner needs to conduct the prior art searches and examinations again, and hence a prompt and accurate grant of right is hindered. In addition, fairness of handling between patent applications cannot be sufficiently ensured. In light of these points,

Article 17*bis*(4) is established in the Patent Act.

3.1 Specific determination procedures [\[E\]](#)

According to the following procedures (1) to (3), the examiner shall determine whether an amendment is an amendment which changes a special technical feature of an invention.

- (i) It is assumed that all the inventions identified by the matters stated in the claims after the amendment are stated subsequently to all the inventions for which it is determined whether the invention is unpatentable in a notice of reasons for refusal.
- (ii) On this assumption, it is determined whether the inventions after the amendment become the subject of the examination on requirements other than the requirements of Article 37, in light of 2. in “Part II Chapter 3 Unity of Invention.”
- (iii) In the case where any of the inventions does not become the subject of the examination as a result of the determination in (2), it is determined that the amendment is an amendment which changes a special technical feature of an invention.

In addition, inventions which become the subject of the examination as a result of the determination in (2) shall be the subject of the examination on requirements other than the requirements of Article 17*bis*(4).

4.2 Unity of Invention

(1) Overview of related treaties, rules, guidelines, and others

- The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (“requirement of unity of invention”) [R13.1, GL10.01].
- Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding “special technical features” [R13.2, GL10.01].
 - The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art [R13.2, GL10.01].
- Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor persisted in on the basis of a narrow, literal or academic approach. For determining the action to be taken by the examiner, each case is considered on the benefit of any doubt being given to the applicant [GL10.04, GL10.04A].

(2) Criteria in the international phase

a. Basic ideas

The examiner determines unity of invention according to the procedure shown below.

Usually, a determination of unity of invention is made between two or more “claimed invention”. However, if one claim includes pro forma or de facto alternatives, a determination of unity of invention is also made between two or more inventions identified based on the respective alternatives. In this section (§ 4.2), an explanation will be given to a case where unity of invention is determined with respect to “claimed inventions”. However, the same also applies to a case where unity of invention is determined with respect to “inventions identified based on the alternatives”.

- (i) A “main invention¹” is identified on the basis of “a method for identifying a ‘main invention’” (→ [b. \(a\)](#)) shown below.
- (ii) If there is any claimed invention not classified as the “main invention” in the claims as a result of identification, the examiner determines that the international application does not satisfy the requirement for unity of invention.
- (iii) When the examiner determines that the international application does not satisfy the requirement for unity of invention, the number of “additional inventions²” included in the claims is calculated on the basis of “Method for calculating the number of inventions” (→ [b. \(b\)](#)) shown below.

b. Detailed method of determination

(a) A method for identifying a “main invention”

A claimed invention which is decided as a “subject of examination” as a result of procedures described in JPGL Part II Chapter 3, 4.(Specific Decision Procedures for Subject of Examination) [[F](#)] is classified as the “Main Invention” in the international phase.

However, it should be noted that there are differences between in the international phase and in JPGL in the following points.

Differences from JPGL

- A prior art search does not always need to identify a “main invention” in the international phase [GL 10.08]. The examiner identifies a special technical feature on the basis of prior art which the examiner knows at the time of identification.
- Unity of invention is determined on the basis of claims from which exclusions from search/examination³ (→ [§ 4.1](#)) are excluded (hereinafter referred to simply as “claims” in this section).

¹ A “main invention” is “a group of inventions so linked as to form a single general inventive concept” for which search/examination is required regardless of whether or not required additional fees have been paid [A17(3)(a), R13.1].

² An “additional invention” is “a group of inventions so linked as to form a single general inventive concept” written in the claims other than the “main invention”.

³ An excluded claim is pointed out in Box No. II of the ISR and/or Box No. III of the written opinion or IPER.

- As shown in Table 4-3, the examiner identifies a “main invention” by 4.2 (1) and (2) (i), (ii), (iii) among JPGL Part II Chapter 3, 4.2 (Decision of subject of the examination based on examination efficiency) in the international phase. (In other words, inventions fall under 4.2 (2) (iv), (v) and other “invention for which it is efficient to examine together with those that became the subject of the examination” are not classified as “main inventions” in the international phase.) → [Comments](#)

Detailed procedures for identifying a “main invention” are provided in [Reference] at the end of this section → [\[Reference\]](#)

Table 4-3 Correlation of the criteria between in JPGL and in the international phase

Inventions decided as “subjects of examination” in JPGL (JPGL Part II Chapter 3)		Claimed inventions classified as “main inventions” in the international phase
4.1	Decision of subject of the examination based on special technical features	<div>Procedure A</div> Determination of a “main invention” based on STF → [Reference]
4.2	Decision of subject of the examination based on examination efficiency	
(1)	Claimed inventions in the same category that include all matters specifying the invention of the invention first claimed in the claims (excepting certain parts)	<div>Procedure B</div> Determination of unity of invention between an independent claim and a dependent claim → [Reference]
(2) (i) – (iii) ¹	An invention for which an examination may be made without substantially conducting additional prior art searches and making a determination as a result of examining inventions that became the subject of the examination based on 4.1 and 4.2 (1)	<div>Procedure C</div> Determination of substantially identical or similarly closely related invention → [Reference]
(2) (iv), (v) ²		NOT classified as “main inventions” in the international phase
others	An invention that does not fall under any of 4.2 (1) or (2) (i) to (v), among the inventions for which it is efficient to examine together with those that became the subject of the examination	NOT classified as “main inventions” in the international phase

- ¹ (i) Other inventions that differ only in terms of expression from inventions that became the subject of the examination based on said 4.1 and 4.2 (1)
(ii) Other inventions which added, deleted or replaced well-known or commonly used art with respect to inventions that became the subject of the examination based on said 4.1 and 4.2 (1), which do not produce any new effects
(iii) Other inventions whose difference from inventions that became the subject of the examination based on said 4.1 and 4.2 (1) is a “designs modified along specific application of techniques” or “optimally or preferably modified numerical ranges” and it is easily determined said change does not produce any advantageous effects in comparison with the cited inventions
- ² (iv) In cases where it has been found that an invention has no novelty or inventive step as a result of examining inventions that became the subject of the examination based on said 4.1 and 4.2 (1), other inventions which have wider concept that covers said invention
(v) In cases where a point having some matters specifying the invention has been found out to have novelty and inventive step as a result of examining inventions that became the subject of the examination based on said 4.1 and 4.2 (1), other inventions that include said matters specifying the invention

Comments

According to JPGL, in order to decide “an invention for which it is efficient to examine together with those that became the subject of the examination” other than those falling under 4.2 (2) (i), (ii) or (iii), prior art search and examination of inventions that became the subject of the examination must have been completed thus far (Example: 4.2 (2) (iv), (v)). However, as mentioned previously, a prior art search does not always need to identify a “main invention” in the international phase. Therefore, such an invention is not classified as a “main invention” in the international phase.

Moreover, a viewpoint on whether or not it is efficient to examine together is different from a viewpoint on whether or not the PCT Rule 13.1, which provides “The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept”, are satisfied. Therefore, even when a claimed invention for which it is efficient to examine together with the “main invention”, the invention is not classified as the “main invention” solely for this reason.

(b) A method for calculating the number of inventions

When the examiner determines that the international application does not satisfy the requirement for unity of invention, the “number of inventions” included in the claims is calculated under procedures (i) to (vi) provided below. In addition, the examiner specifies a claimed invention classified as each “additional invention”.

- (i) Carry out “A method for identifying a ‘main invention’” ([→ \(a\)](#)) for the claims from which a claimed invention classified as a “main invention” in (a) is removed.
- (ii) Classify the claimed invention that becomes a “subject of examination” as a result of (i), as one “additional invention”.
- (iii) Carry out the same steps as (i) and (ii) for the claims from which the claimed invention thus far classified as the “main invention” or the “additional invention” has been removed.
- (iv) Repeat step (iii) until all the claimed inventions are classified as a “main invention” or any of “additional inventions”.
- (v) Calculate the number of additional inventions identified in (ii) to (iv) as the number of “additional inventions” included in the claims.

- (vi) Calculate a value obtained by adding one, or the number of “main invention”, to the number of “additional inventions” identified in (v) as the “number of inventions” included in the claims.

(3) Points of attention

Works relating to determination of unity of invention

Attention should also be paid toward the following works relating to determination of unity of invention (e.g. an intermediate invitation, preparation of the ISR).

- In the International Search Stage
 - At the time of consideration on an intermediate invitation → § 2.4.1
 - At the time of determination of the subject of search → § 2.5
 - At the time of preparation of the ISR and WO/ISA → § 2.7.1 (2)
- In the international preliminary examination stage
 - At the time of consideration on an intermediate invitation → § 3.4.1
 - At the time of determination of the Subject of Search → § 3.5
 - At the time of preparation of the WO/IPEA or IPER → § 3.8 (2)

[Reference] Detailed procedures for identifying a “main invention”

As described in “A method for identifying a ‘main invention’” (→ (2) b. (a)), the examiner can identify a “main invention” on the basis of JPGL Part II Chapter 3, 4. However, JPGL Part II Chapter 3, 4. does not state any explanation conforming to the PCT rules and administrative Instructions, and does not employ wording intended for the international phase.

Accordingly, the following provides detailed procedures for identifying a “main invention” described in (2) b. (a), while dividing the procedures into **Procedure A** to **Procedure C** with use of wording intended for the international phase. Moreover, explanation conforming the PCT rules and administrative Instructions are appended.

Detailed method of determination

In order to identify a “main invention”, the examiner carries out the following **Procedure A** to **Procedure C**. A claimed invention classified as the “main invention” under any of these procedures is identified to be a “main invention” in the international phase.

In making this determination, the examiner identifies a special technical feature (hereinafter referred to simply as “STF”) on the basis of prior art which the examiner knows at the time of identification.

Procedure A Determination of a “main invention” based on STF (JPGL Part II Chapter 3, 4.1 [F])

A claimed invention classified as a “main invention” is determined under the following steps (1) to (4). In this regard, “dependent claim” in the following procedures means a claim in the same category as an independent claim having all elements of the independent claim (Note 1) [GL 10.06].

- (1) It is determined whether the invention of claim 1 (Note 2) has any STF.
- (2) In cases where the invention of claim 1 has no STF, it is determined whether there are inventions of dependent claim of Claim 1. In cases there are such inventions, it is determined whether the invention of the claim to which the smallest claim number is attached has any STF (Note 3).
- (3) In cases where an claimed invention for which whether there is any STF has already been determined has no STF, it is determined whether there are inventions of dependent claim of the claim for which whether there is any STF has been determined immediately before. In cases where there are such inventions, the examiner chooses a claimed invention with the smallest claim number among them, and determines whether the invention has any STF (Note 3). This procedure are repeated until any STF is found or there is no invention of dependent claim of the claim for which whether there is any STF has been determined immediately before.
- (4) In the case where any STF is found in any of the procedures (1) to (3), the following inventions (i) and (ii) are the subject of the examination. In the case where no STF is found in any of the procedures (1) to (3), the following invention (i) is the subject of the examination.
 - (i) the invention for which whether there is any STF has already been determined
 - (ii) the invention having any STF which is same as or corresponding to the found STF

(Note 1) The cases of “having all elements” of an invention means, for example, the following cases (i) to (iv). The examiner makes a determination on whether a claim includes all elements is determined irrespective of whether the claim is formally an independent claim or a dependent claim.

- (i) The case where other elements are attached to said invention
- (ii) The case where part or all of the elements of said invention are converted into more specific concepts
- (iii) The case where, if there are elements that are written in an alternative form, part of the elements are deleted
- (iv) The case where, if one of the elements of said invention is a numerical range, the range is further limited

(Note 2) If elements of Claim 1 are expressed by alternatives, in principle, the invention understood by choosing the first alternative shall be deemed to be the invention. However, for an invention relating to a chemical substance that is described by Markush-form etc., the examiner deems an invention that is understood by choosing an appropriate alternative in consideration of the description of working examples, etc. to be the invention.

(Note 3) There is no longer a requirement to determine whether there is any STF, in the case where the claimed invention for which a determination is to be made on whether there is any STF falls under the following cases (i) and (ii).

- (i) The case where a technical feature with low technical relevance is added to the claimed invention for which a determination has been made immediately before on whether there is any STF
- (ii) The case where a specific problem to be solved by the invention understood by said technical feature also has low relevance

Comments

PCT administrative Instructions state that unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. [S206, Annex B (c)].

Therefore, when an invention of claim 1 and an invention of another independent claim have the same or corresponding STFs, both inventions belong to the same group of

inventions. If not, both inventions may be determined to belong to different groups of inventions, respectively.

However, in the JPO as the ISA/IPEA, even when both claims do not have the same or corresponding STFs, a claimed invention provided below as (a) or (b) is classified as a “main invention” in consideration of the benefit of the applicant.

- (a) Even when the invention of claim 1 and an invention of another independent claim do not have the same or corresponding STFs, an invention having the same or corresponding STF of the invention of claim 1, among inventions of claims dependent on the independent claim, is classified as a “main invention”.
- (b) Even when the invention of claim 1 does not have an STF, an invention having an STF is in principle found from inventions of claims dependent on claim 1. Then, a claimed invention having the same or corresponding STF of the invention is classified as a “main invention”.

The steps (1) to (4) provided above are reconstituted on the basis of the above ideas so that claimed inventions classified as a “main inventions” can be efficiently determined.

Procedure B **Determination of unity of invention between an independent claim and a dependent claim** (JPGL Part II Chapter 3, 4.2 (1) [E])

Regardless of whether or not an invention of claim 1 has an STF, an invention of a dependent claim¹ of claim 1 is classified as a “main invention”.

However, when an invention of claim 1 does not have an STF, a claimed invention falling under the following case (i) or (ii) does not need to be classified as a “main invention”.

- (i) The case where a problem to be solved by the invention of claim 1 (Note 1) and a specific problem to be solved understood from technical features added to said invention have low relevance
- (ii) The case where technical features of the invention of claim 1 (Note 2) and technical features added to said invention have low technical relevance.

The relevance in (i) and the technical relevance in (ii) are determined by taking into consideration of the description, claims, drawings and common general

¹ A “dependent claim” under this procedure also means a claim in the same category as an independent claim having all elements of the independent claim as in the case of the **Procedure A** [GL 10.06].

knowledge as of the filing (Note 3) and perspectives of prior art searches.

It should also be noted that even a claimed invention, among inventions of dependent claims of claim 1, which is not classified as a “main invention” because the claim corresponds to either (i) or (ii) under the **Procedure B** may be classified as a “main invention” under the **Procedure A**¹.

(Note 1) The examiner identifies the problem to be solved by the invention of claim 1 by taking into consideration of the description, claims, drawings and common general knowledge as of the filing (Note 3). In cases where several problems are identified, the examiner identifies one problem by giving consideration to the problem to be solved by the other inventions that are classified as a “main invention” under the **Procedure A**. In cases where identified problems are now-resolved and well-known, the examiner identifies the problems in the same way.

(Note 2) In cases where the invention of claim 1 belongs to the common general knowledge as of the filing (Note 3), technical features of the invention of claim 1 is identified by giving consideration to the technical features of the problem to be solved by the other inventions that are classified as a “main invention” under the **Procedure A**.

(Note 3) The common general knowledge refers to technologies generally known to a person skilled in the art (including well-known or commonly used art) or matters clear from empirical rules.

Comments

According to the PCT administrative Instructions, if the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. If, however, an independent claim does not avoid the prior art, then the question whether there is still an inventive link between all the claims dependent on that claim needs to be carefully considered [S206, Annex B (c)].

In the JPO as the ISA/IPEA, even when the invention of claim 1 does not avoid the prior art, inventions of all claims dependent on the independent claim are in principle determined to have an inventive link. However, when the invention of claim 1 does not

¹ Therefore, even when there is only one independent claim, a determination made only under the **Procedure B** is insufficient, and determination under all of the **Procedure A** to **Procedure C** must be made.

have an STF, a claimed invention falling under (i) or (ii) provided above can be determined not to have an inventive link to the invention of claim 1.

Procedure C Determination of substantially identical or similarly closely related invention (JPGL Part II Chapter 3, 4.2 (2) (i), (ii), (iii) [F])

Claimed inventions corresponding to (i) to (iii) provided below are classified as a “main invention”.

- (i) Other claimed inventions that differ only in terms of expression from claimed inventions that are classified as a “main invention” under the **Procedure A** or **Procedure B**
- (ii) Other claimed inventions which added, deleted or replaced well-known or commonly used art with respect to claimed inventions that are classified as a “main invention” under the **Procedure A** or **Procedure B**, which do not produce any new effects
- (iii) Other claimed inventions whose difference from claimed inventions that are classified as a “main invention” under the **Procedure A** or **Procedure B** is a “designs modified along specific application of techniques” or “optimally or preferably modified numerical ranges” and it is easily determined said change does not produce any advantageous effects in comparison with the cited prior art

Comments

Claimed inventions falling under (i) to (iii) are substantially identical or similarly closely related with the claimed invention classified as a “main invention” under the **Procedure A** and **Procedure B** and hence classified as a “main invention”.

4.3 Prior Art (Disclosure as the Basis of Determination of Novelty and Inventive Step)

(1) Overview of related treaties, rules, guidelines, and others

- The prior art is defined as everything made available to the public anywhere in the world by means of “written disclosure (including drawings and other illustrations)” before the relevant date [R33.1(a), R64.1(a), GL 11.01, GL A12.02[2]].
 - There are no restrictions whatsoever as to the geographical location where, or the language or manner in which, the relevant information contained in the “written disclosure” was made available to the public. Therefore, the prior art disclosure on the Internet or on an on-line database is considered in the same manner as other forms of written disclosure [GL11.01, GL11.13].
- The relevant prior art shall consist of everything which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious) among the above-described prior art [R33.1(a)].

(2) Criteria in the international phase

The “prior art” means everything satisfying all the following requirements on the basis of PCT Rules 33.1(a) and 64.1(a).

Everything made available to the public	Location	anywhere in the world
	Time	before the relevant date (→ Notes)
	Means	by means of written disclosure

It should be noted that, in terms of the following points, there are differences between definition of the “prior art” in the international phase and in JPGL (Part III Chapter 2 Section 3, 3.1 [[F](#), [A](#)]).

Differences from JPGL

- A “publicly known prior art” (corresponding to the prior art referred to in Patent Act Article 29(1)(i)) and a “publicly worked prior art” (corresponding to the prior art referred to in Patent Act Article 29 (1)(ii)) do not constitute the prior art in the international phase, because they are not applicable to the “written disclosure”.

- The documents disclosed on the same date as the relevant date do not constitute the prior art in the international phase, because they are not applicable to the “written disclosure”.

Table 4-4 Differences in definition of the “prior art” between in the international phase and in JPGL

	International phase	JPGL	Difference
Location	anywhere in the world	in Japan or a foreign country	none
Time	before the relevant date (not including the same date)	before the filing of the patent application (even hours, minutes and second are considered)	exists
Type of disclosure	—	publicly known prior art	exists
	—	publicly worked prior art	exists
	<ul style="list-style-type: none"> • written disclosure (including drawings and other illustrations) • disclosure on the Internet or on an on-line database 	<ul style="list-style-type: none"> • prior art disclosed in publications • prior art made publicly available through electric telecommunication line 	none

Notes

Relevant date ([→ § 2.1.3 \(2\)](#))

The relevant date for purposes of ISR and WO/ISA can be different [R33.1(a), R64.1(b), R43**bis**.1(b), GL11.02]

- The relevant date for purposes of ISR is always the international filing date.
- The relevant date for purposes of WO/ISA is normally¹ the priority date

Priority date ([→ § 2.1.3 \(1\)](#))

The priority date of the international application is the dates of any of the following (i) to (iii)

- (i) Where the international application contains a priority claim, the priority date shall be the filing date of the application whose priority is so claimed.
- (ii) Where the international application contains several priority claims, the priority date shall be the filing date of the earliest application whose priority is so claimed.
- (iii) Where the international application does not contain any priority claim, the priority date shall be the international filing date of such application.

(3) Points of attention

For handling “publicly known prior art”, etc.

The following prior art may be grounds for the reasons for refusal in Japanese national applications, but do not constitute the “prior art” in the international phase.

For handling a case where any of the following prior art is found, see Annex A.
[→ § A.2](#)

- The “publicly known prior art” that may be grounds for the reasons for refusal on the basis of Patent Act Article 29(1)(i).
- The “publicly worked prior art” that may be grounds for the reasons for refusal on the basis of Patent Act Article 29(1)(ii).
- The “other application” that may be grounds for the reasons for refusal on the basis of Patent Act Article 29**bis**.

¹ Where the international application contains a priority claim, the ISA considers whether or not the effects of the priority claim can be recognized as appropriate. As a result of the consideration, the relevant date may be a date other than the priority date ([→ § 2.7.3 \(1\)](#), [§3.8 \(3\)](#))

- The “earlier application” or the “other application on the same date” that may be grounds for the reason for refusal on the basis of Patent Act Article 39.

[Reference] Overview of related parts of JPGL

JPGL Part III Chapter 2 Novelty and Inventive Step (Patent Act Article 29(1) and (2))

Section 3 Procedure of Determining Novelty and Inventive Step [\[F\]](#)

3.1 Prior art [\[F\]](#)

The prior art falls into any one of the cases 3.1.1 to 3.1.4 prior to the filing of the application in Japan or foreign countries. It is determined whether or not it is prior to the filing of the application in units of hours, minutes and seconds. Where it is publicly known in a foreign country, it is determined based on Japan time translated from the foreign country’s time.

3.1.1 Prior art disclosed in publications (Article 29(1)(iii)) [\[F\]](#)

“Prior art disclosed in publications” means prior art described in the publications (Note 2) which anyone can read (Note 1).

(Note 1) The fact that someone actually accessed such publications is not necessary.

(Note 2) “Publications” include documents, drawings or other similar information media which are duplicated to distribute and disclose the contents to the public.

3.1.2 Prior art made publicly available through electric telecommunication line (Article 29(1)(iii)) [\[F\]](#)

“Prior art made publicly available through an electric telecommunication line” means prior art published in webpages etc. (Note 3) which can be read by anyone (Note 2) through an electric telecommunication line (Note 1).

(Note 1) A “line” means a two-way transmission line constituted by sending and receiving channels generally. Broadcasting, which is only capable of one-way transmission, does not fall under the “line”. Cable TV etc. that is capable of two-way transmission falls under the “line”.

(Note 2) The fact that someone has actually accessed the webpages etc. is not necessary. More specifically, the webpages etc. are publicly available (in other words, anyone can read the webpages etc.) where both of the following cases (i) and (ii) are satisfied.

(i) Where a webpage can be reached through a link from another publicly known webpage, a webpage is registered with a search engine, or the address (URL) of a webpage appears in the mass media (e.g., a widely-known newspaper or magazine) on the Internet.

(ii) Where public access to the webpage is not restricted.

(Note 3) “Webpages etc.” means what provides information on the Internet etc. “Internet etc.” means all means that provide information through electric telecommunication lines, including the Internet, commercial databases, and mailing lists.

3.1.3 Publicly known prior art (Article 29(1)(i)) [F]

“Publicly known prior art” means prior art which has become known to anyone as an art without an obligation of secrecy (Note).

(Note) Prior art disclosed by a person on whom obligation of secrecy is imposed to another person who are not aware of its secrecy is “publicly known prior art” irrespective of the inventor’s or applicant’s intent to keep it secret.

Generally, an article of academic journal would not be put in public view even if it was just received. Therefore, prior art described in the article is not “publicly known prior art” until the article is published.

3.1.4 Publicly worked prior art (Article 29(1)(ii)) [F]

“Publicly worked prior art” means prior art which has been worked in a situation where the prior art is or could be publicly known (Note).

(Note) Prior art that also become publicly known by working of the prior art also falls into “publicly known prior art” under Article 29(1)(i).

4.4 Novelty

(1) Overview of related treaties, rules, guidelines, and others

- A claimed invention is considered novel if it is not anticipated by the prior art [A33(2)].
 - The “prior art” is defined as everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) before the relevant date [R33.1(a), R64.1(a), GL 11.01]. The “prior art” disclosure on the Internet or on an on-line database is considered in the same manner as other forms of written disclosure [GL11.01, GL11.13].
[→ § 4.3.](#)
- A claimed invention lacks novelty if every element or step is explicitly or inherently disclosed within the prior art [GL12.01, GL A5.20[1], GL A5.26[1]].

(2) Criteria in the international phase

The examiner determines the novelty on the basis of JPGL Part III Chapter 2 Section 1 (Novelty) [[F](#), [A](#)].

However, it should be noted that, in terms of the following points, there are differences between definition of the “prior art” in the international phase and in JPGL ([→ § 4.3 \(2\)](#)).

Differences from JPGL

- A “publicly known prior art” (corresponding to the prior art referred to in Patent Act Article 29(1)(i)) and a “publicly worked prior art” (corresponding to the prior art referred to in Patent Act Article 29 (1)(ii)) do not constitute the prior art in the international phase. Therefore, novelty cannot be denied in the international phase on the grounds of such prior art.
- The documents disclosed on the same date as the relevant date do not constitute the prior art in the international phase. Therefore, in the international phase, novelty cannot be denied on the grounds of such documents.

Special comments

In general, a “use invention” is defined as the invention based on (i) discovering an unknown attribute of a product and (ii) finding out that the product is suitable for a

novel use application because of such an attribute. Even when the product itself of the claimed invention is publicly known, the “use invention” can be considered to be novel (JPGL Part III Chapter 2 Section 4, 3.2.3 [\[F, A\]](#)).

The examiner also determines the novelty of a “use invention” on the basis of JPGL. That is, an invention of a product with limitation of use could be novel even if the product per se is already known.

However, in a case where the product per se is already known in regard to the invention of product with limitation of use, the examiner explicitly refers to the prior art substantiating that in the ISR, written opinion, or IPER. In particular, even in a case where novelty and inventive step are satisfied, the examiner cites the prior art as a category “A” document in the ISR. In addition, the examiner refers to a reason why the invention is determined to have novelty and an inventive step, indicating the prior art, in the written opinion or IPER.

Comments

The PCT international search and preliminary examination guidelines (PCT guidelines) describe that, for example, a claimed invention directed to a known composition for the first use in surgical, therapeutic, and/or diagnostic methods that is described in a form such as “composition X for curing disease Y”, can be novel even if the composition per se is already known [GL 5.21]. Such a way of consideration is consequently consistent with a way of consideration for use inventions in JPGL. Since the PCT guidelines do not prescribe that such a way of consideration is limited to the above specific claimed invention, the JPO as ISA/IPEA adopts the same way of consideration as that in JPGL for the whole of use inventions.

However, many countries adopt such a way of consideration that novelty is denied in a case where the product per se is already known. Accordingly, the examiner explicitly refers to the prior art substantiating that in the ISR, written opinion, or IPER for proper offer of information to the applicant and the examiner of the other office.

[Reference] Overview of related parts of JPGL

JPGL Part III Chapter 2 Novelty and Inventive Step (Patent Act Article 29(1) and (2))

Section 1 Novelty [\[F\]](#)

2. Determination of Novelty [\[F\]](#)

Inventions subject to determination of novelty are claimed inventions.

The examiner determines whether the claimed invention has novelty by comparing the claimed inventions and the prior art cited for determining novelty and an inventive step (the cited prior art) to identify the differences between them. Where there is a difference, the examiner determines that the claimed invention has novelty. Where there is no difference, the examiner determines that the claimed invention lacks novelty.

Section 4 Claims Including Specific Expressions [\[F\]](#)

3.1 Specifying claimed invention [\[F\]](#)

3.1.2 Cases where an invention of a product with limitation of use application should be interpreted as a use invention [\[F\]](#)

A use invention is defined as the invention based on (i) discovering an unknown attribute of a product and (ii) finding out that the product is suitable for a novel use application because of such an attribute. The following ideas on the use invention are generally applied to the technical fields where it is relatively difficult to know how to use the product based on the structure or name of the product (Example: a technical field for use of a composition including chemical substances).

(1) Cases where claimed invention is considered to be a use invention

In these cases, the examiner recognizes that the limitation of use application has a role in specifying the claimed invention, and specifies the claimed invention in consideration of the limitation of use application.

(2) Cases where claimed invention is not considered to be use invention though there is a limitation of use application in a claim

Where the claimed invention is not considered to provide a novel use as the use of the product in consideration of the common general knowledge in the field at the

time of filing, the invention does not fall under the category of use invention even if an unknown attribute was discovered.

3.2 Determination of novelty [F]

3.2.3 Cases where the claimed invention falls under the use invention of 3.1.2 [F]

In these cases, even if the product itself of the claimed invention is publicly known, the claimed invention involves novelty over the product (Note).

(Note) The use invention which involves novelty does not involve an inventive step where it is considered that a person skilled in the art would have easily arrived at such use application based on known attributes or structures of the product.

4.5 Inventive Step

(1) Overview of related treaties, rules, guidelines, and others

- A claimed invention is considered to involve an inventive step if, having regard to the “prior art”, it is not, at the relevant date obvious to a “person skilled in the art” [A33(3), R65.2, GL13.01].
 - The “person skilled in the art” should be presumed to be a hypothetical person having ordinary skill in the art and being aware of what was common general knowledge in the art at the relevant date. He should also be presumed to have had access to everything in the “prior art,” in particular, the documents cited in the ISR, and to have had at his disposal the normal means and capacity for routine experimentation. There may be instances where it is more appropriate to think in terms of a group of persons, for example, a research or production team, than a single person [GL13.11].
 - The “prior art” is defined as everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) before the relevant date [R33.1(a), R64.1(a), GL 11.01]. The “prior art” disclosure on the Internet or on an on-line database is considered in the same manner as other forms of written disclosure [GL11.01, GL11.13].
[→ § 4.3](#)
 - The term “obvious” means that which does not go beyond the normal progress of technology but merely follows plainly or logically from the prior art, that is, something which does not involve the exercise of any skill or ability beyond that to be expected of the person skilled in the art [GL13.03].

(2) Criteria in the international phase

The examiner determines the presence of an inventive step on the basis of JPGL Part III Chapter 2 Section 2 (Inventive Step) [[F](#), [A](#)].

However, it should be noted that, in terms of the following points, there are differences between definition of the “prior art” in the international phase and in JPGL ([→ § 4.3 \(2\)](#)).

Differences from JPGL

- A “publicly known prior art” (corresponding to the prior art referred to in Patent Act Article 29(1)(i)) and a “publicly worked prior art “ (corresponding to the prior art referred to in Patent Act Article 29 (1)(ii)) do not constitute the prior art in the international phase. Therefore, inventive step cannot be denied in the international phase on the grounds of such prior art.
- The documents disclosed on the same date as the relevant date do not constitute the prior art in the international phase. Therefore, in the international phase, inventive step cannot be denied on the grounds of such documents.

[Reference] Overview of related parts of JPGL

JPGL Part III Chapter 2 Novelty and Inventive Step (Patent Act Article 29(1) and (2))

Section 2 Inventive Step [\[E\]](#)

2. Basic Idea of Determination of Inventive Step [\[E\]](#)

Inventions subject to determination of an inventive step are claimed inventions.

The examiner determines whether the claimed invention involves an inventive step by considering whether or not it could be reasoned that a person skilled in the art easily arrives at the claimed invention based on the prior art.

Whether or not a person skilled in the art easily arrives at the claimed invention should be determined by assessing comprehensively various facts in support of the existence or non-existence of an inventive step. The examiner attempts the reasoning by assessing these facts legally.

A “person skilled in the art” means a hypothetical person who meets all the following conditions (i) to (iv). In some cases, it is appropriate to consider a person skilled in the art to be a “team of experts” in several technical fields rather than an individual person.

- (i) A person who has the common general knowledge in the technical field of the claimed invention at the time of filing.
- (ii) A person who is able to use ordinary technical means for research and development (including document analysis, experiment, technical analysis, manufacture, etc.).

- (iii) A person who is able to exercise ordinary creativity in selecting materials and modifying designs.
- (iv) A person who is able to comprehend all the matter in the state of the art in the technical field of the claimed invention at the time of filing, and comprehend all technical matters in the field relevant to problems to be solved by the invention.

3. Detail of Determination of Inventive Step [F]

The examiner selects the primary prior art, which is the prior art most suitable for the reasoning, and determine whether it is possible to reason that a person skilled in the art would easily arrive at the claimed invention from the primary prior art.

If the examiner determines that the reasoning is impossible, the examiner determines that the claimed invention involves an inventive step.

If the examiner determines that the reasoning is possible, the examiner determines that the claimed invention does not involve an inventive step.

4.6 Industrial Applicability

(1) Overview of related treaties, rules, guidelines, and others

- A claimed invention is considered industrially applicable if, in the technological sense, it can be made or used in any kind of “industry” [A33(4), GL14.01, GL A14.01[2]].
 - “Industry” is understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property [A33(4), GL14.02].
- An invention which is clearly non-operable in view of well-established laws of nature, does not comply with the industrial applicability requirement [GL14.03].
- In most cases, industrial applicability will be self-evident [GL14.05].

(2) Criteria in the international phase

The examiner determines that claimed invention is not industrially applicable when it falls under either of the following items.

- (i) Commercially inapplicable inventions
- (ii) Obviously impracticable inventions

The examiner determines whether or not claimed invention falls under item (i) on the basis of JPGL Part III Chapter 1, 3.1.2 (Commercially inapplicable inventions) [[E](#), [A](#)].

The examiner determines whether or not claimed invention falls under item (ii) on the basis of JPGL Part III Chapter 1, 3.1.3 (Obviously impracticable inventions) [[E](#), [A](#)].

In addition, it should be noted that, in terms of the following points, the above-mentioned criteria in the international phase are different from the criteria of whether the examiner issues the notice of reasons for refusal in Japanese national applications due to the violation under the main paragraph of Article 29(1) of the Patent Act (JPGL Part III Chapter 1 (Eligibility for Patent and Industrial Applicability) [[E](#), [A](#)]).

Differences from JPGL

- If an invention falls under any one of “subject matters not corresponding to statutory inventions” [[E](#), [A](#)] listed in JPGL Part III Chapter 1, 2.1, but falls under neither the item (i) nor item (ii) above, such an invention is considered to be industrially applicable in the international phase. → [Comments](#)

- If an invention falls under “inventions of methods of surgery, therapy or diagnosis of humans” [F, A] defined in JPGL Part III Chapter 1, 3.1.1, but falls under neither the item (i) nor item (ii) above, such an invention is considered to be industrially applicable in the international phase.

Comments

There is no direct relationship between the criteria of whether or not subject matter corresponds to “invention” defined in JPGL and the criteria of whether an invention is industrially applicable in the international phase. Therefore, industrial applicability is not immediately denied even if claimed subject matter does not correspond to an “invention” in the light of JPGL. On the other hand, regardless of whether claimed subject matter corresponds to an “invention” in the light of JPGL, industrial applicability is denied if such subject matter falls under either the item (i) or (ii) above. For example, when a claim corresponds to “those contrary to a law of nature”, industrial applicability is denied since it falls under the item (ii).

[Reference] Overview of related parts of JPGL

JPGL Part III Chapter 1 Eligibility for Patent and Industrial Applicability (Main Paragraph of Article 29(1) of the Patent Act) [F]

2.1 List of Subject Matters Not Corresponding to Statutory “Inventions” [F]

To be considered as a statutory “invention”, an invention needs to be a “creation of a technical idea utilizing a law of nature”. Since (i) to (vi) shown below are not a “creation of a technical idea utilizing a law of nature”, it is not considered as a statutory “invention”.

- (i) A law of nature as such (see 2.1.1)
- (ii) Mere discoveries and not creations (see 2.1.2)
- (iii) Those contrary to a law of nature (see 2.1.3)
- (iv) Those in which a law of nature is not utilized (see 2.1.4)
- (v) Those not regarded as technical ideas (see 2.1.5)
- (vi) Those for which it is clearly impossible to solve the problem to be solved by any means presented in a claim (see 2.1.6)

3.1 List of industrially inapplicable inventions

3.1.1 Inventions of methods of surgery, therapy or diagnosis of humans [F]

Methods of surgery therapy or diagnosis of humans have been termed “medical activity” and are normally practiced by medical doctors (including those who are directed by medical doctors).

A method considered as any one of (i) to (iii) shown below is considered as an “invention of methods of surgery, therapy or diagnosis of humans”.

- (i) Methods of surgery of humans (see (1))
- (ii) Methods of therapy of humans (see (2))
- (iii) Methods of diagnosis of humans (see (3))

3.1.2 Commercially inapplicable inventions [F]

An invention which corresponds to the invention indicated in (i) or (ii) below is considered to be a “commercially inapplicable invention”.

- (i) An invention applied only for personal use (for example, a method of smoking)
- (ii) An invention applied only for academic or experimental purposes

3.1.3 Obviously impracticable inventions [F]

An invention which cannot be practically implemented is not considered to be an “obviously impracticable invention” even if it works in theory.

Example: A method for preventing an increase in ultraviolet rays associated with the destruction of the ozone layer by covering the whole earth's surface with an ultraviolet ray-absorbing plastic film.

4.7 Requirements for Description and Claims

(1) Overview of related treaties, rules, guidelines, and others

a. Requirements for description

- The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art [A5, GL4.02, GL5.45].
- The disclosure of the claimed invention is considered sufficiently clear and complete if it provides information which is sufficient to allow the invention to be carried out by a person skilled in the art as of the international filing date, without undue experimentation [GL5.45].

b. Requirements for claims

- Claims shall be clear and concise. They shall be fully supported by the description [A6].

(a) Clarity

- The clarity of the claims is of the utmost importance for the purposes of formulating an opinion on the questions of whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable in view of their function in defining the matter for which protection is sought [GL5.31].
- Each claim must set forth the scope of the invention sought to be protected with a reasonable degree of clarity. If a person skilled in the art can determine the boundaries of the claimed invention with a reasonable degree of certainty, the claim complies with the requirement for clarity [GL5.32].

(b) Support in description

- The claims “shall be fully supported by the description”. This means that there must be a basis in the description for the subject matter of every claim and that the scope of the claims must not be broader than is justified by the description and drawings [GL5.43].

- An appropriate claim is one which is not so broad that it goes beyond the invention nor yet so narrow as to deprive the applicant of a just reward for the disclosure of the invention [GL5.52].

c. Violation of description requirements to be pointed out in the international phase

- If the international application calls for any of observations on the clarity of the claims, description, and drawings, or the question whether the claims are fully supported by the description, ISA/IPEA may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion [R70.12(ii), R43bis.1(b)].

(2) Criteria in the international phase

The examiner determines on the requirements for the description and claims, on the basis of JPGL Part II Chapter 1 (Requirements for Description) [E, A] and Chapter 2 (Requirements for Claims)¹ [E, A].

Special comments

In determining on description requirements in the international phase, the examiner should take the following a. and b. into account.

a. Violation of description requirements accompanied by “significant and pertinent issues”

In Box No. VIII (“Certain Observations on the International Application”) of the written opinion or IPER, the examiner points out only a violation of description requirements accompanied by “significant and pertinent issues”, and does not point out any violation other than that. [→ Comments](#)

A violation of description requirements accompanied by “significant and pertinent issues” means a violation that constitutes the grounds for the exclusion or limitation which is made in cases where a particular claim is excluded from

¹ Provided that, lack of requirements regarding deposited microorganisms may constitute the violation of the enablement requirement in JPGL, but, lack of such requirements is not considered to constitute a violation of the enablement requirement in the international phase [GL 4.19].

search/examination ([→ Table 4-5 \(i\)](#)) or where the subject of search/examination is limited in a particular claim ([→ Table 4-5 \(ii\)](#)) for the reason that the claim falls under an “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings” ([→ § 4.1.2](#)).

Table 4-5 Forms and boxes used to point out a violation of description requirements accompanied by “significant and pertinent issues”

Case (→ § 4.1.2)	Forms and boxes used to point out a violation of description requirements (→ § 2.7.1(1) , § 3.8(1))
(i) Cases where a particular claim is excluded from search/examination because the examiner considers whole of the claim corresponds to “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings” ¹	Box No. II, 2. in the ISR Box No. III in the WO/ISA Box No. III in the WO/IPEA Box No. III in the IPER
(ii) Cases where the subject of search/examination is limited in a particular claim because a part of the claim corresponds to “inventions for which a meaningful search/examination cannot be conducted as a result of violation of requirements for the description, claims or drawings”	Box No. VIII in the WO/ISA Box No. VIII in the WO/IPEA Box No. VIII in the IPER

¹ In principle, a determination is made on a per-claim basis as to whether or not a claim corresponds to exclusion from search/examination ([→ § 4.1 Attention](#)).

Comments

In Box No. VIII (“Certain Observations on the International Application”) of the written opinion or IPER, which violation of description requirements to be pointed out is determined at the discretion of ISA/IPEA [R66.2(a)(v), R70.12(ii), R43*bis*.1(b)]. Therefore, the JPO as the ISA/IPEA points out only a violation of description requirements accompanied by “significant and pertinent issues” in Box No. VIII of the written opinion or IPER.

In addition, the violation of description requirements accompanied by “significant and pertinent issues” which is pointed out in Box No. III (“Non-establishment of opinion with regard to novelty, inventive step and industrial applicability”) of the written opinion or IPER is not required to point out in Box No. VIII in an overlapping manner.

b. Description requirements to be considered in the international phase

Description requirements to be considered in the international phase are only following three types.

- Enablement requirement (JPGL Part II Chapter 1 [\[E, A\]](#))
- Clarity requirement (JPGL Part II Chapter 2 Section 3 [\[E, A\]](#))
- Support requirement (JPGL Part II Chapter 2 Section 2 [\[E, A\]](#))

The “significant and pertinent issues” are hardly assumed to be raised only for lacking those other than above description requirements in JPGL (Ministerial Ordinance Requirement, etc.). Therefore, in the international phase, the examiner is not required to consider those other than above description requirements [GL A5.42[2]] .

The examiner is only required to consider the above three types of violation of description requirements. The examiner points out the violations in Box No. VIII of the written opinion or IPER, if a violation of description requirements accompanied by “significant and pertinent issues” is founded as a result of the consideration ([→ a.](#)).

[Reference] Overview of related parts of JPGL

JPGL Part II Chapter 1 Requirements for Description

Section 1 Enablement Requirement (Patent Act Article 36(4)(i))

1. Overview [\[E\]](#)

Patent Act Article 36(4) provides the requirements for the description. Among

items of the paragraph, Article 36(4)(i) mainly stipulates the requirement for the description so as to serve as the technical document. If the statement in the description is not clear, its role of the disclosure is undermined, which in turn undermines the very purpose of the patent system. In this sense, Article 36(4) is a very important provision.

2. Basic Ideas of Determination of Enablement Requirement [F]

The statement in the description must be so clear and sufficient that a person skilled in the art can carry out the claimed invention.

If a person skilled in the art who intends to carry out the claimed invention cannot understand how to carry out the invention on the basis of teachings in the description and drawings relevant to the invention as well as the common general knowledge at the time of filing, such a description is regarded as being insufficient for the person skilled in the art to carry out the invention.

3.1 Determination depending on categories of invention [F]

The examiner, based on the identification of the category of the claimed invention, determines whether or not the statements in the description satisfy the enablement requirement.

- In regard to an invention of a product, that the product can be carried out implies that it is possible to make and to use the product in question.
- In regard to an invention of a process, that the process can be carried out implies that it is possible to use the process in question.
- If an invention of a process falls under “an invention of a process for producing a product”, then that “it is possible to use the process” implies that it is possible to produce the product by the process.

JPGL Part II Chapter 2 Requirements for Claims

Section 2 Support Requirement (Patent Act Article 36(6)(i))

1. Overview [F]

Patent Act Article 36(6)(i) provides that a claimed invention shall be disclosed in the description. The purpose of this requirement (support requirement) is to prevent a patent from being granted for an invention which is not disclosed to the public.

2.1 Basic ideas of determination of support requirement [F]

When it is determined that the claimed invention exceeds “the extent of disclosure in the description”, the claimed invention and the invention disclosed in the description do not substantially correspond with each other, and thus, the statement in the claims does not satisfy the support requirement.

2.2 Types of violations of support requirement [F]

The following (1) to (4) are types of cases in which the statements in the claims do not satisfy the support requirement.

- (1) No statement or implication of claimed elements in the description
- (2) Unclear correspondence between the claimed invention and the statement in the description due to inconsistent use of terms therein
- (3) Over-expanded or over-generalized invention claimed
- (4) No recitation of elements necessary for the solution of the problem to be solved specified in the description

Section 3 Clarity Requirement (Patent Act Article 36(6)(ii))

1. Overview [F]

Article 36(6)(ii) is a provision on Clarity Requirement for Claims, which prescribes that an invention for which a patent is sought shall be clear.

The statement in the claims has great significance, since the claims are used for the basis of determination on novelty and inventive step, etc., and also used for the basis of determination of the technical scope of a patented invention. Thus, it is necessary that an invention can be clearly identified from one claim.

2.1 Basic ideas of determination of clarity requirement [F]

For a claimed invention to be clearly understood, it is necessary that the scope of the claimed invention shall be clear, that is to say, that the claims shall be stated such that a person skilled in the art can understand whether a specific product or process falls within the scope of the claimed invention, and to that end, the matter specifying the invention shall be clear.

2.2 Types of violation of clarity requirement [\[F\]](#)

Types (1) to (5) as the examples of statements in the claims violating the clarity requirement are shown below.

- (1) The case where the statement of a claim itself is unclear, and as a result, a claimed invention is unclear.
- (2) The case where a technical defect is included in matters specifying the invention, and as a result, a claimed invention is unclear.
- (3) The case where the category of a claimed invention is unclear, or cannot be identified as any category, and as a result, the invention is unclear.
- (4) The case where the matters specifying the invention are expressed in alternatives and the alternatives have no similar characteristics or functions to each other, and as a result, the invention is unclear.
- (5) The case where a claim includes an expression which may make the scope of an invention ambiguous, and as a result, the scope of the invention is unclear.

4.8 Amendment

(1) Overview of related treaties, rules, guidelines, and others

- The amendments shall not go beyond the disclosure in the international application as filed [A19(2), A34(2)(b), GL A4.05[1], GL A20.21[2]].
- An amendment should be regarded as introducing subject matter which extends beyond the content of the application as filed, and therefore unacceptable, if the overall change in the content of the application results in the skilled person being presented with information, which was not expressly or “inherently” presented in the application as filed even when taking into account matter which is implicit to a person skilled in the art in what has been expressly mentioned [GL20.12].
 - The term “inherently” requires that the missing descriptive matter is necessarily present in the disclosure, and that it would be recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient [GL20.12].

(2) Criteria in the international phase

The examiner determines whether or not the amendments go beyond the disclosure in the international application as filed, on the basis of JPGL Part IV Chapter 2 (Amendment Adding New Matter) [[F](#), [A](#)].

[Reference] Overview of related parts of JPGL

JPGL Part IV Chapter 2 Amendment Adding New Matter (Patent Act Article 17bis(3)) [[F](#)]

2. Basic Way of Thinking about Determination on New Matter [[F](#)]

The examiner shall determine whether an amendment is an amendment which adds any new matter by determining whether the amendment introduces any new technical matter in connection with “the matters stated in the originally attached description, etc.” “The matters stated in the originally attached description, etc.” shall refer to technical matter derived by totalizing the whole statement in the originally attached description, etc. by a person skilled in the art.

If an amendment does not introduce any new technical matter in connection with “the matters stated in the originally attached description, etc.”, the amendment shall

not add a new matter. On the other hand, if an amendment introduces any new technical matter in connection therewith, the amendment shall be an amendment which adds any new matter.

3. Specific Determination on New Matter

3.1 Amendment made to matters explicitly stated in the originally attached description, etc. [F]

In the case where an amended matter is a “matter explicitly stated in the originally attached description, etc.”, because the amendment shall not introduce any new technical matter, the amendment shall be permitted. Therefore, the examiner shall determine that, in such cases, the amendment does not add any new matter.

3.2 Amendment made to matters obvious from the statement in the originally attached description, etc. [F]

In the case where an amended matter is a “matter obvious from the statement in the originally attached description, etc.”, even if the amended matter is not explicitly stated in the originally attached description, etc., because the amendment shall not introduce any new technical matter, the amendment shall be permitted. Therefore, the examiner shall determine that, in such cases, the amendment does not add any new matter.

4.9 Priority

(1) Overview of related treaties, rules, guidelines, and others

- The basic test to determine whether a claim is entitled to the date of a priority document is the same as the test of whether an amendment to an application satisfies the requirement of PCT Article 34(2)(b) ([→ § 4.8](#)) [GL6.09].

(2) Criteria in the international phase

The examiner makes substantive determination whether or not the effects of the priority claim can be recognized in the international phase, on the basis of JPGL Part V Chapter 1 (Priority under the Paris Convention) [[F](#), [A](#)].

[Reference] Overview of related parts of JPGL

JPGL Part V Chapter 1 Priority under the Paris Convention [[F](#)]

3.1.2 Subject to be determined [[F](#)]

The examiner determines the effect of the priority claim under the Paris Convention on a claim-by-claim basis, in principle. When the claimed elements are expressed by alternatives in a claim, the examiner determines the effect for each invention identified from each alternative. Furthermore, when an embodiment of the claimed invention is newly added in relation to the application in the first country, the effect is determined based on each part, i.e., the added part and the others, respectively.

3.1.3 Comparison with the matter stated in the application documents as a whole of the application filed in the first country [[F](#)]

Assume that the description, claims and drawings of the application filed in Japan are amendments of the application filed in the first country. If the claimed invention of the application filed in Japan introduces any new technical matter in relation to the “matters stated in the application documents as a whole of the application filed in the first country”, the effect of the priority claim of the Paris Convention shall not be recognized.

Chapter 5

Other Work in the International Phase

Chapter 5

Other Work in the International Phase

Table of Contents

5.1	Use of the Results of Earlier Search (Additional Form 2).....	1
5.2	Invitation to Pay Additional Fees.....	15
5.2.1	Invitation to Pay Additional Fees at International Search Stage (ISA/206).....	15
5.2.2	Invitation to Restrict or Pay Additional Fees, and, Where Applicable, Protest Fee (IPEA/405).....	21
5.2.3	Decision of Protest against Additional Fees at International Search Stage (ISA/212)	26
5.2.4	Decision of Protest against Additional Fees at International Preliminary Examination stage (IPEA/420)	31
5.3	How to Handle Interview, etc. with the Applicant	35
5.3.1	Informal Clarification during International Search (ISA/207)	35
5.3.2	Informal Communication with the Applicant during the International Preliminary Examination (IPEA/428, IPEA/429).....	38
5.4	Rectification of Obvious Mistakes.....	44
5.4.1	Invitation to Request Rectification of Obvious Mistakes (ISA/216, IPEA/411)	44
5.4.2	Decision Concerning Request for Rectification of Obvious Mistakes (ISA/217, IPEA/412)	47
5.5	Sequence Listing	53
5.5.1	Check of Sequence Listing	53
5.5.2	Invitation to Furnish Sequence Listing	59
5.5.3	Description with Regard to the Sequence Listing in the ISR etc.	64
5.6	Declaration of non-establishment of ISR (ISA/203)	69
5.7	Notification on Expressions, etc., not to be used (ISA/218)	71
5.8	Modification of Abstract after Mailing of ISR (ISA/205)	73

5.9	Invitation to Furnish Translation of Priority Document (IPEA/414)	76
5.10	Extension of Time Limit for Replying to the WO/IPEA (IPEA/427)	79
5.11	Communication Regarding Amendments not Taken into Account (IPEA/432)	82
5.12	Handling Where the International Preliminary Examination Is Demanded before or within Two Months from the Date of Transmittal of the ISR	84
5.13	Correction and Incorporation by Reference	87
5.14	Identification Relating to Priority Claim	90
5.14.1	Identification of Correction, Etc. of the Priority Claim	90
5.14.2	Indentification of the Period from Filing Date of Earlier Application to International Filing Date	92
5.15	Declaration as to Exceptions to Lack of Novelty	95
5.16	Third Party Observation System	98

5.1 Use of the Results of Earlier Search (Additional Form 2)

(1) Overview of related treaties, rules, guidelines, and others

Where the ISA takes into account, under PCT Rule 41.1, the results of an earlier search in carrying out the international search, the ISA shall refund the search fee paid in connection with the international application to the extent and under the conditions provided for in the agreement between the ISA and the IB ([→ § 1.6.1 \(4\)](#)) [R16.3].

The JPO as an ISA (ISA/JP) shall refund part of the search fee paid under the conditions and to the extent set out in the agreement between the JPO and the IB, and Article 50 of Regulations under the International Application Act.

(2) Specific procedure

The examiner considers whether it is able to utilize the results of an earlier search etc. and establishes the “Notification regarding usage of prior search result etc.” (Additional Form 2) using the Additional Form 2, where the international application corresponds to either of (i) and (ii) below.

- (i) Where a request for use of the results of an earlier search etc. is indicated in Box No. VII of the request. [→ a.](#)
- (ii) Where this international application claims the priority of an earlier international application¹ which has been the subject of an international search made by ISA/JP. [→ b.](#)

¹ The earlier application on which the priority claim of the international application is based is normally indicated in Box No. VI of the request. However, it is noted that the priority claim may be changed from the indication in Box No. VI of the request, as a result of correction, addition or withdrawal of the priority claim after the filing of the international application ([→ § 5.14.1](#)).

As a result of the consideration, where the examiner determines that it is able to utilize the results of the earlier search, etc.¹, the examiner utilizes them to establish the ISR of this international application, and establishes Additional Form 2 which indicates that it is able to utilize them, together with the ISR of this international application. Otherwise, the examiner determines that it is not able to do that, the examiner establishes Additional Form 2 which indicates that it is not able to do that, together with the ISR of this international application. (See Fig. 5-1).

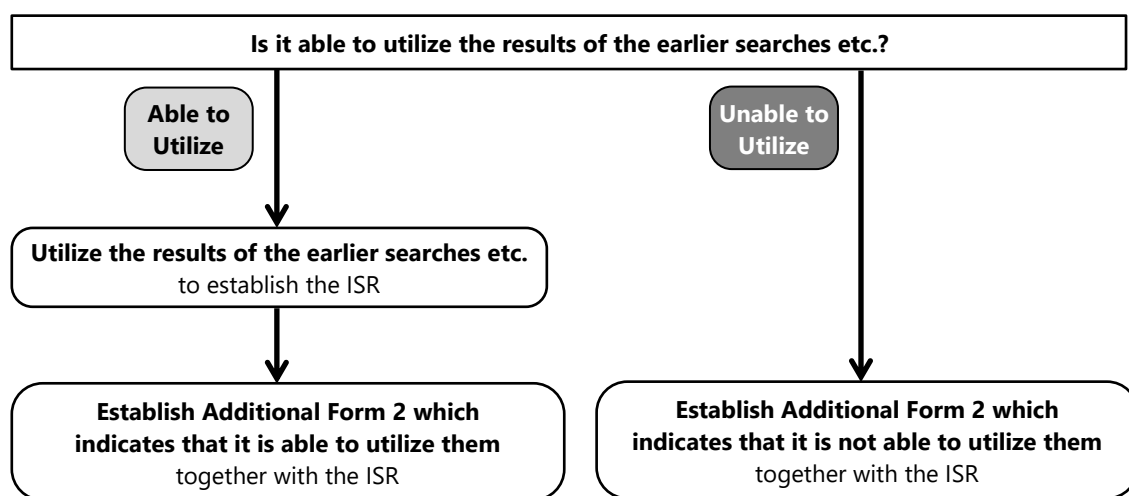


Fig. 5-1 Procedures relating of use of the results of earlier search, etc.

The procedures of determining whether it is able to utilize the results of the examination, etc. in the cases of the items (i) ([→ a.](#)) and (ii) ([→ b.](#)) above are explained respectively, as follow.

a. Procedure of determining where a request for use of the results of an earlier search etc. is indicated in Box No. VII of the request

The examiner considers whether it is able to utilize the results of an earlier search, etc., according to the following steps a-1 to a-4 (see Fig. 5-2).

¹ In the case where more than one application corresponds to the item (i) or (ii) above, if it is able to utilize the results of the earlier search etc. for at least one application, the examiner establishes Additional Form 2 which indicates that it is able to utilize them.

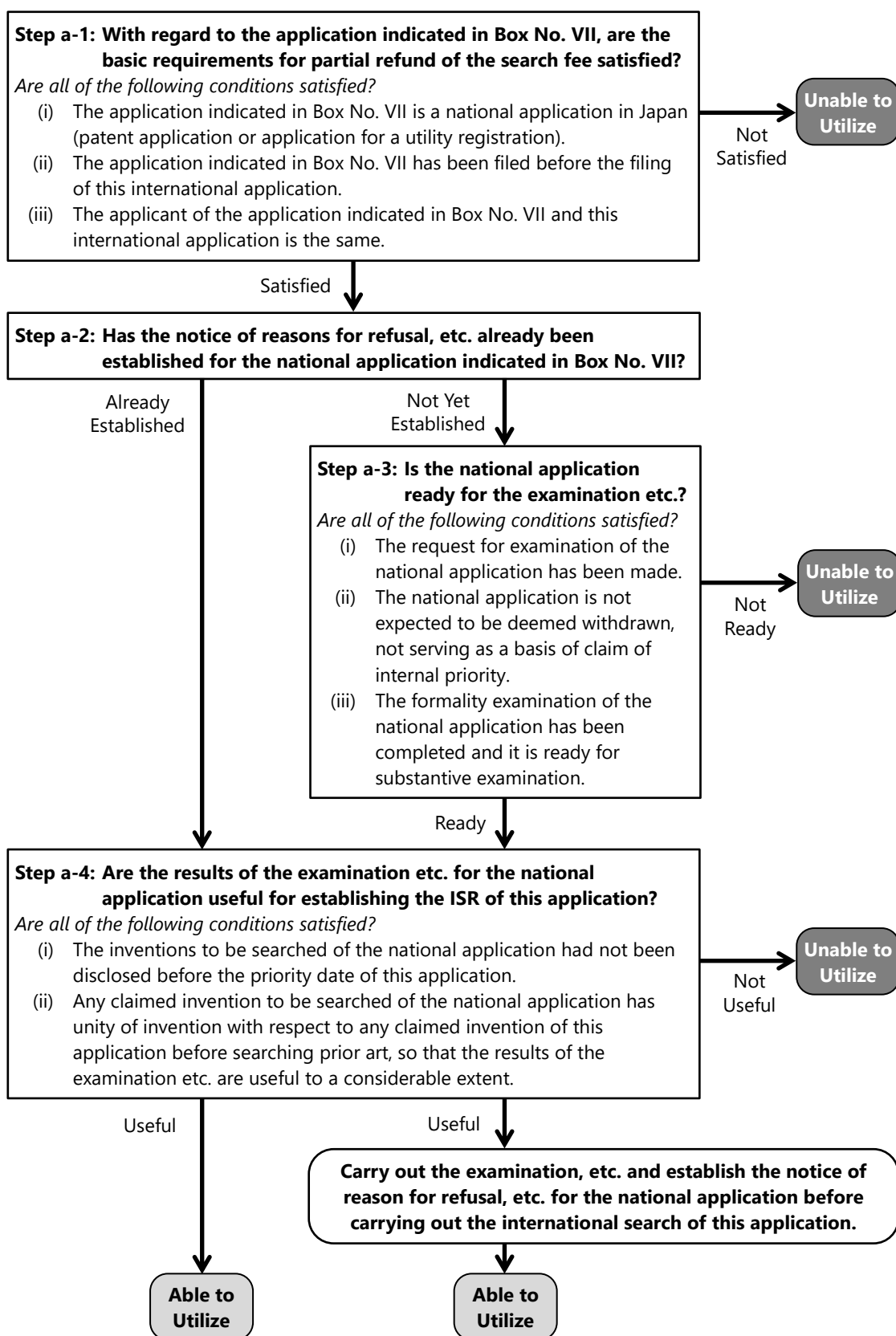


Fig. 5-2 Procedure of determining whether it is able to utilize the results of the examination etc. for the national application

Step a-1: With regard to the application indicated in Box No. VII, are the basic requirements for partial refund of the search fee satisfied?

The examiner checks whether the following conditions (i) to (iii) are satisfied.

It shall be determined that the basic requirements for partial refund of the search fee are satisfied where all the conditions are satisfied [MO Article 50(2) and Article 15(vi)]. Otherwise, it shall be determined that the basic requirements for partial refund of the search fee are not satisfied where either of the conditions is not satisfied.

Step a-2 shall be followed when it is determined that the basic requirements for partial refund of the search fee are satisfied. Otherwise, it shall be determined that it is not able to utilize the results of the earlier search, etc. and the box (“bibliographic details of the earlier national application did not satisfy the requirements for the partial refund of the search fee.”) of Additional Form 2 is checked where it is determined that the basic requirements for partial refund of the search fee are not satisfied.

Conditions

- (i) The application indicated in Box No. VII is a national application in Japan (patent application or application for a utility registration).
- (ii) The application indicated in Box No. VII has been filed before the filing of this international application.
- (iii) The applicant of the application indicated in Box No. VII and this international application is the same.

Explanations

- (i) Where the application indicated in Box No. VII is an international application¹, this condition is not satisfied, even if the ISA/JP carries out the international search for the international application.
- (ii) Where the application indicated in Box No. VII is filed on the same date as this application, this condition is satisfied in principle. However, where it is apparent that the application indicated in Box No. VII is filed after the time of filing of this application, this

¹ Where the international application for which the ISA/JP carries out the international search is the earlier application based on which the priority is claimed in this application, it shall be considered whether it is able to utilize the results of the earlier search, etc., according to b. below. → [b.](#)

condition is not satisfied.

- (iii) It shall be determined whether the applicants are the same in the same manner as in the provision under Article 29*bis* of the Patent Act¹.

Step a-2: Has the notice of reasons for refusal, etc. already been established for the national application indicated in Box No. VII?

The examiner shall check whether the notice of reasons for refusal, etc. has been established as a result of examination etc. of the national application indicated in Box No. VII (hereinafter referred to as the “national application”).

Step a-3 shall be followed where the notice of reasons for refusal, etc. has not been established for the national application. Also, Step a-4 shall be followed where the notice of reasons for refusal, etc. has already been established.

The above “examination, etc.” means the examination for the patent application or the utility model technical opinion for the application for utility model registration or the utility model registration [Utility model Act Article 12(4)]. Also, the “notice of reasons for refusal, etc.” means the notice of reasons for refusal for the patent application or the decision to grant a patent, or the report of utility model technical opinion for the application for utility model registration or the utility model registration.

Step a-3: Is the national application ready for the examination etc.?

The examiner shall check whether the following conditions (i) to (iii) are satisfied.

It shall be determined that the national application is ready for the examination, etc. where all the conditions are satisfied. Otherwise, it shall be determined that the national application is not ready for the examination, etc. where any of the conditions is not satisfied.

Step a-4 shall be followed where it is determined that the national application is ready for the examination, etc. Otherwise, it shall be determined that it is not able to utilize the results of the earlier search, etc. and the box (“the earlier application was not ready for the international search or the examination etc.”) of

¹ It should be noted that where there are a plurality of applicants, all of the applicants are required to be the same.

Additional Form 2 is checked where it is determined that the national application is not ready for the examination, etc.

Conditions

- (i) The request for examination of the national application has been made.
- (ii) The national application is not expected to be deemed withdrawn¹, not serving as a basis of claim of internal priority.
- (iii) The formality examination of the national application has been completed and it is ready for substantive examination.

Explanations

- (i) The “request for examination, etc.” means the request for examination for the patent application or the request for utility model technical opinion for the application for utility model registration or the utility model registration.
- (ii) Where the national application does not correspond to the patent application on which the priority is claimed for any application (other national application or international application), this condition is satisfied.

Where the national application corresponds to the patent application based on which the priority is claimed for any **national application**, this condition is not satisfied.

Where the national application corresponds to the patent application based on which the priority is claimed for any **international applications**, this condition is satisfied in any of the following cases. Otherwise, when it does not correspond to any case, this condition is not satisfied.

- The designation of Japan was excluded in Box No. V of the request in the international application.
- The “Withdrawal of designations of designated State” for withdrawing the designation of Japan was submitted in this international application.
- The “Written statement” for withdrawing the internal priority

¹ Article 42(1) of the Patent Act and Article 9(1) of the Utility Model Act

claim was submitted in this international application.

- (iii) Where the national application is pending in the formality check and the substantive examination is not ready to start, the examination shall start until the formal examination is completed and the substantive examination is ready (that is, this condition is satisfied). However, where waiting until the substantive examination is ready is likely to extend beyond expiration of the deadline shown in the schedule table of the international search ([→ § 2.3.1](#)) to expire, this condition shall not be satisfied.

Step a-4: Are the results of the examination etc. for the national application useful for establishing the ISR of this application?

The examiner shall check whether the following conditions (i) and (ii) are satisfied.

It shall be determined that the results of examination, etc. for the national application are useful for establishing the ISR of this application when all the conditions are satisfied. Otherwise, it shall be determined not to be useful when any of the conditions is not satisfied.

Where it is determined to be useful, it shall be determined that it is able to utilize the results of the earlier search, etc. and the box (“The Authority has benefited from the results of the earlier search etc. to a considerable extent.”) of Additional Form 2 is checked. However, when the notice of reasons for refusal, etc. has not been established for the national application, after the national application is examined and the notice of reasons for refusal, etc. is established¹ before the establishment of the ISR of this application, it shall be determined that it is able to utilize the results of the earlier search, etc. are available². Otherwise, it shall be determined that it is not able to utilize the results of the earlier search, etc.

¹ Where a significantly large number of applications are indicated in the Box No. VII of the request, if the deadline shown in the schedule table of the international search is likely to expire, due to carrying out the examination, etc. for all of the applications before the international search for this application, the number of the applications which the examiner carries out the examination, etc. before the international search for this application may be limited.

² It should be noted that the “Date of the actual completion of the international search” ([→ § 2.8 \(5\)](#)) set forth in the ISR of this application is the date after the drafting date or establishment date stated in the notice of reason for refusal, etc. (including the same date).

and the box (“the Authority did not find that the results of the search etc. of the earlier application useful to carry out the international search.”) of Additional Form 2 is checked where it is determined not to be useful.

Conditions

- (i) The inventions to be searched of the national application had not been disclosed before the priority date of this application.
- (ii) Any claimed invention to be searched of the national application has unity of invention with respect to any claimed invention of this application before searching prior art, so that the results of the examination etc. are useful to a considerable extent.

Explanations

- (i) This condition shall be satisfied even when they are published on the same date as the priority date of this application.
- (ii) Where the national application is based on the application on which the priority is claimed in this application (see Fig. 5-3), or the national application and this application claimed the priority based on the same application (see Fig. 5-4), this condition shall normally be satisfied.

Where the national application or this application does not include the claimed inventions to be examined, this condition shall not be satisfied¹.

¹ Where the ISA/203 (Decision of non-establishment of ISR) has been established instead of the ISR of this application, this condition shall not be deemed to be not satisfied, since there are not the claimed inventions to be examined. In this case, the Additional Form 2 shall be established stating that it is not able to utilize the results of the earlier search, etc., established together with ISA/203.

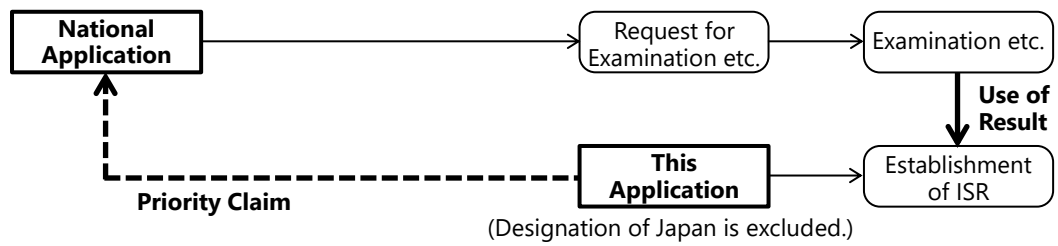


Fig. 5-3 Case where the priority claim of this application is based on the national application

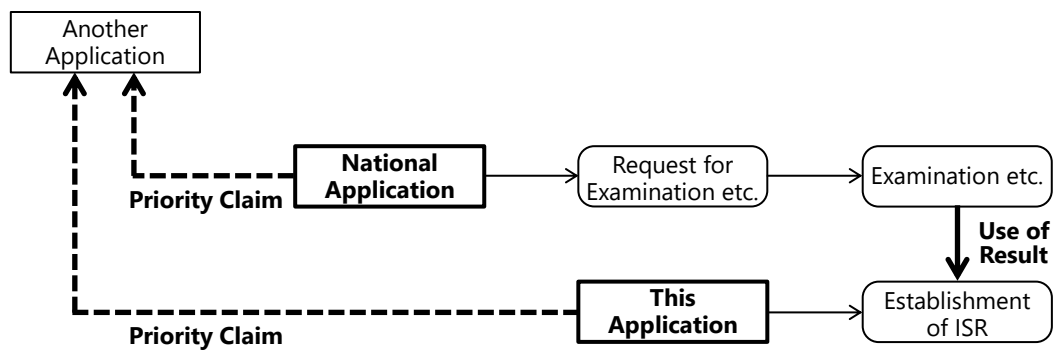


Fig. 5-4 Case where the priority claims of the national application and this application are based on the same application

b. Procedure of determining where this international application claims the priority of an earlier international application which has been the subject of an international search made by ISA/JP

The examiner shall consider whether the results of the earlier search etc. are available according to the following steps b-1 to b-3 (see Fig. 5-5).

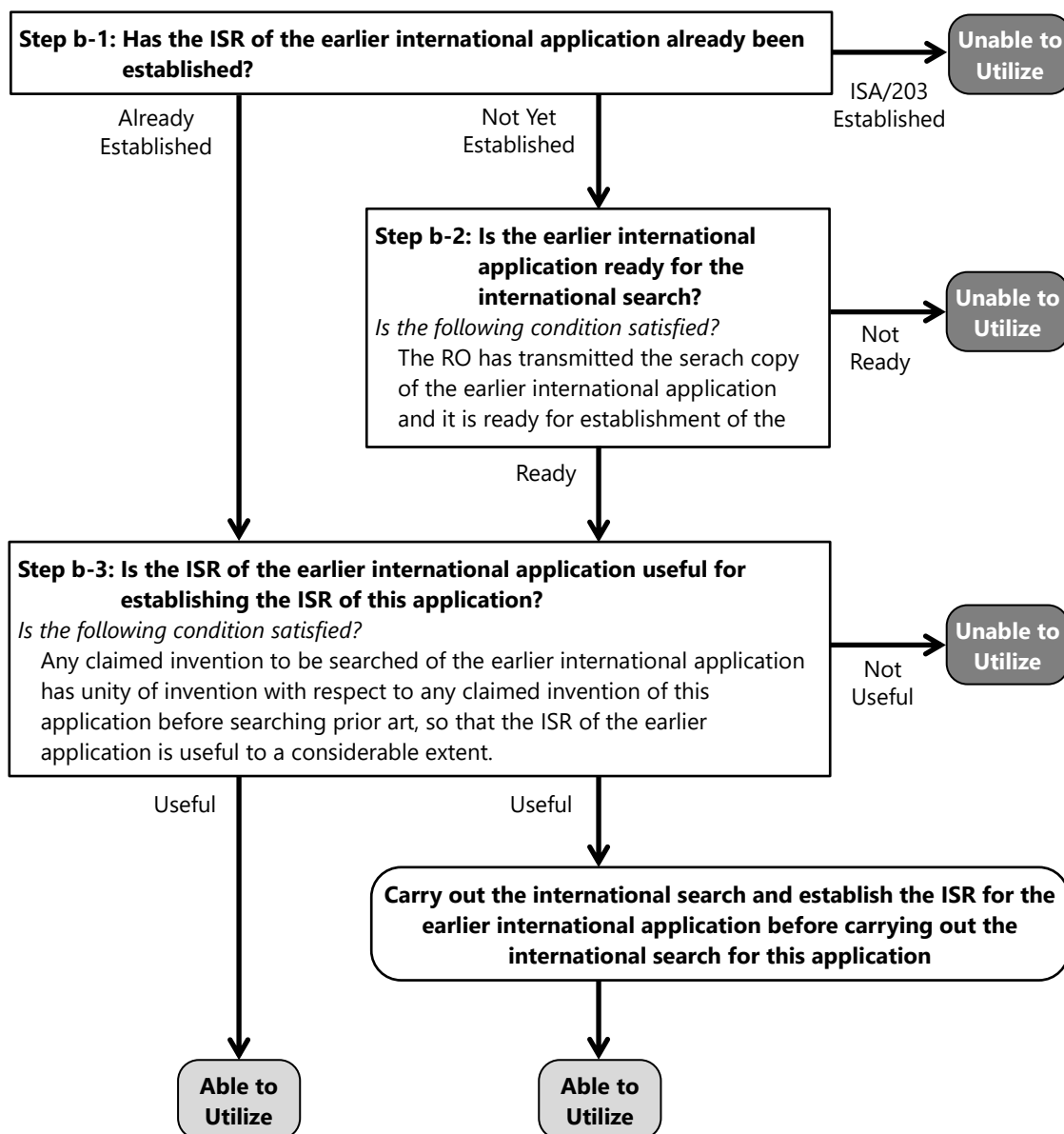


Fig. 5-5 Procedure of determining whether it is able to utilize the ISR of the earlier international application

Step b-1: Has the ISR of the earlier international application already been established?

The examiner shall check whether the ISR of the earlier international application which has been the subject of an international search made by ISA/JP (hereinafter referred to as the “earlier international application”) has been established.

Step b-2 shall be followed where the ISR of the earlier international application has not been established, and step b-3 shall be followed where the ISR has been established. Where the ISA/203 (Decision of non-establishment of ISR) is established instead of the ISR, it shall be determined that it is not able to utilize the results of the earlier search, etc. and the box (“the Authority had declared that no international search report would be established with regard to the earlier international application.”) of Additional Form 2 is checked.

Step b-2: Is the earlier international application ready for the international search?

The examiner shall check whether the following condition is satisfied.

It shall be determined that the earlier international application is ready for the international search where the condition is satisfied. Otherwise, it shall be determined that it is not ready where the condition is not satisfied.

Step b-3 shall be followed when it is determined that it is ready. Otherwise, it shall be determined that it is not able to the results of the earlier search, etc. and the box (“the earlier application was not ready for the international search or the examination etc.”) of Additional Form 2 is checked where it is determined that it is not ready.

Conditions

The RO has transmitted the search copy of the earlier international application and it is ready for establishment of the ISR.

Explanations

Where checking the formal requirements for the earlier international application by the RO has not been completed and the earlier international application is not ready for establishment of the ISR, the examiner shall wait until the examiner is ready to start for establishing the ISR for the

earlier international application after the search copy ([→ § 1.8.3 \(2\)](#)) of the earlier international application has been transmitted. However, when the deadline shown in the schedule table of the international search ([→ § 2.3.1](#)) is likely to expire before the examiner is ready to start for establishment, this condition should not be satisfied.

Step b-3: Is the ISR of the earlier international application useful for establishing the ISR of this application?

The examiner shall check whether the following condition is satisfied.

It shall be determined that the ISR for the earlier international application is useful for establishing the ISR for this application when the condition is satisfied. Otherwise, it shall be determined not to be useful when the condition is not satisfied.

It shall be determined that it is able to utilize the results of the earlier search, etc. and the box (“The Authority has benefited from the results of the earlier search etc. to a considerable extent.”) of Additional Form 2 is checked where it is determined to be useful. However, where the ISR for the earlier international application has not been established, it shall be determined that it is able to utilize the results of the earlier search, etc. after the international search for the earlier international application has carried out and the ISR of the earlier international application has been established before the establishment of the ISR for this application¹. Otherwise, it shall be determined that it is not able to utilize the results of the earlier search, etc. and the box (“the Authority did not find that the results of the search etc. of the earlier application useful to carry out the international search.”) of Additional Form 2 is checked when it is determined to not be useful.

¹ It should be noted that the “Date of the actual completion of the international search” ([→ § 2.8 \(5\)](#)) set forth in the ISR of this application is the date after the drafting date or establishment date stated in the notice of reason for refusal, etc. (including the same date).

Conditions

Any claimed invention to be searched of the earlier international application has unity of invention with respect to any claimed invention of this application before searching prior art, so that the ISR of the earlier application is useful to a considerable extent.

Explanations

Since the earlier international application is the application based on which the priority is claimed in this application, this condition shall be normally satisfied.

Where the earlier international application or this application does not include the claimed inventions to be examined, this condition shall not be satisfied¹.

¹ Where the ISA/203 (Decision for not establishing the ISR) is established instead of the ISR for the earlier international application or this application, this condition shall not be satisfied since there are not claimed inventions to be examined. The Additional Form 2 shall be established stating that it is not able to utilize the results of the earlier search, etc. in conjunction with establishing the ISA/203 where the ISA/203 for this application has been established.

(3) Instructions for preparation of Additional Form 2

The relevant boxes shall be selected and the application number shall be set forth depending on the type of application.

Where there are more than one application of the same type, the application number indicated first in the request shall be set forth, and "etc." shall be set forth at the end.
Example:
Patent Application No. 2015-123456 etc.

Any of these check boxes shall be selected according to the result.

Where there are more than one application for which the results of the earlier search etc. are available, if it is able to utilize the results of the earlier search etc. for at least one application, check item 1.

One of these check boxes shall be selected, if item 2 is checked.

PATENT COOPERATION TREATY	
From the INTERNATIONAL SEARCHING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	PCT NOTIFICATION REGARDING USAGE OF RESULTS OF EARLIER SEARCH ETC. (PCT Rule 16.3 and 41.1)
Applicant's or agent's file reference 5678H	Date of mailing (day/month/year)
International application No. PCT/JP2015/999999	International filing date (day/month/year) 25 February 2015
Applicant PATENT CORPORATION	
Application number of an earlier international application or national application indicated in the request etc.: <input type="checkbox"/> PCT/ <input type="checkbox"/> JP Patent application No. <input type="checkbox"/> JP Utility model application No.	
Usage 1. <input type="checkbox"/> The Authority has benefited from the results of the earlier search etc. to a considerable extent. 2. <input type="checkbox"/> Item 1 above is not applicable because, at the time of completion of the international search: <input type="checkbox"/> bibliographic details of the earlier national application did not satisfy the requirements for the partial refund of the search fee. <input type="checkbox"/> the Authority had declared that no international search report would be established with regard to the earlier international application. <input type="checkbox"/> the earlier application was not ready for the international search or the examination etc. <input type="checkbox"/> the Authority did not find that the results of the search etc. of the earlier application useful to carry out the international search.	
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office 9Z 9999 Telephone No. +81-3-3581-1101 Ext. 0011

Additional Form 2 (January 2017)

5.2 Invitation to Pay Additional Fees

5.2.1 Invitation to Pay Additional Fees at International Search Stage (ISA/206)

(1) Overview of related treaties, rules, guidelines, and others

If the ISA considers that the international application does not comply with the requirement of unity of invention, it shall invite the applicant to pay additional fees [A17(3)(a)]. In this case, the ISA shall prepare “Invitation to pay additional fees and, where applicable, protest fee” (ISA/206) using Form PCT/ISA/206 [R40.1, GL10.60].

In addition, where a prior art search is conducted for the “main invention”, the ISA may establish the partial search report (partial ISR) and attach the report to ISA/206 [GL10.61].

(2) Detailed procedure

a. Determination whether ISA/206 is established

Where the examiner determines that the international application does not satisfy the requirement of unity of invention as a result of consideration for unity of invention in the intermediate invitations at the international search stage ([→ § 2.4.1](#)), the ISA/206 is established by the time limit for intermediate invitations as shown in the schedule table of the international search [A17(3)(a)].

However, where the examiner determines that the prior art search may be conducted for all of the “additional inventions” with no or little additional effort, ISA/206 is not established [GL10.65].

For the criteria for determination of the requirement of unity of invention, and for the method for calculating the number of inventions, see Chapter 4. [→ § 4.2](#)

b. Consideration in establishing ISA/206

The examiner considers whether or not the partial ISR is established.

Where the prior art search was not conducted in establishing the ISA/206¹, the partial ISR is established. Otherwise, where the prior art search was conducted for the “main invention” ([→ § 2.6](#)), the partial ISR is preferably established¹.

¹ It is not necessary to conduct the prior art search in determining the requirement of unity of invention in the intermediate invitations at the international search stage ([→ § 2.4.1](#)).

c. Points of attention after establishment of ISA/206

Where the applicant paid all required additional fees and protested against the additional fees, the examiner conducts required work. [→ § 5.2.3](#)

Also, the following should be paid attention.

- The subject of search in the international search is determined depending on the contents of the response by the applicant against the ISA/206. [→ § 2.5](#)
- The examiner checks a corresponding box among the item 1, 3 and 4 where Box No. III of the ISR is employed². [→ § 2.8 \(3\)](#)
- The examiner employs Box No. IV of the WO/ISA, checks item 1 of Box No. IV, and checks a corresponding box depending on the contents of the response by the applicant against the ISA/206. [→ § 2.9 \(5\)](#)

¹ Results of partial international search are very useful for the applicant to determine whether the additional search fees should be paid for the international search for other parts [GL10.61]. Therefore, where the prior art search is conducted for the main invention, the examiner preferably establishes the partial ISR.

² Box No. III of the ISR is employed except for the case where the requirement of unity of invention is determined to be satisfied in ISA/212 (Decision of a protest against additional fees). [→ § 2.7.1 \(2\)](#)

(3) Instructions for Preparation of ISA/206

A list of sheets constituting the ISA/206 is shown in Table 5-1. In **a.** to **e.** below, instructions for preparation of the ISA/206 are shown for each sheet of the ISA/206.

Table 5-1 List of sheets constituting the ISA/206

sheet	Main description	Conditions for employment	Instructions for preparation
main sheet	<ul style="list-style-type: none"> • Number of inventions included in the international application • Amount of additional fees 	Always employed.	→ a.
annex, first sheet	<ul style="list-style-type: none"> • Documents found to be relevant 	Employed where partial ISR is established.	→ b.
patent family annex	<ul style="list-style-type: none"> • Information related to a patent family members 	Employed where the information on patent family members of each citation documents is provided.	→ c.

a. Main sheet

This page is always employed.

State the number of inventions included in the claims.

Payment is due within one month from the invitation to pay [R40.1(ii)].

Describe the claim number for which unity of invention was determined. (*1)

State the following items
- Number of inventions included in the claims
- Claim number classified for each invention
- Grounds for determining that the requirement of unity of invention is not satisfied
(Criteria for unity of invention → § 4.2)

Where the partial ISR is established, check the left-side box and state required items in Annex. Where the partial ISR is not established, check the right-side box and state the claim number classified as a "main invention".

State "168000" [CO Article 2(6)(ii)].

Leave blank.
The JPO as the ISA does not request the protest fee.

Where a particular claims were excluded from the search (→ § 2.3.5), check this box and state excluded claim number. (*2)

State the "number of additional inventions" included in the claims. In this regard, "number of additional inventions" is the number obtained by subtracting one from the number of inventions included in the claims (→ § 4.2 (2) b. (b))

State the product of "fee per additional invention" and "number of additional inventions".

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: DAIRI, Nin
9-8-7, Anytown, Chiyoda-ku, Tokyo
100-9999,
Japan

PCT

INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE

(PCT Article 17(3)(a) and Rules 40.1 and 40.2(e))

Applicant's or agent's file reference 5678H	Date of mailing (day/month/year)
International application No. PCT/JP2015/099999	PAYMENT DUE within 1 MONTH from the above date of mailing
Applicant PATENT CORPORATION	International filing date (day/month/year) 25 February 2015

1. This International Searching Authority

(i) considers that there are (number of) inventions claimed in the international application covered by the claims indicated below:

(ii) therefore considers that the international application does not comply with the requirement of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated below:

(iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

(iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby invited to pay, within the time limit indicated above, additional fees in the amount indicated below:

Fee per additional invention	x	number of additional inventions	=	JPY
				total amount of additional fees/currency

3. The applicant is informed that, according to Rule 40.2(c), the payment of any additional fees may be made under protest, that is, a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of (amount/currency).

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☐ Claim(s) Nos. have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the ISA/IP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office 9Z 9999
Form PCT/ISA/206 (Cover sheet) (April 2005)	

Telephone No. +81-3-3581-1100 Ext. 0011

- *1 Describe the claim number included in the claims after the exclusions from search/examination (see item 4) are excluded. → § 4.2
- *2 Where particular alternatives in a claim are excluded from search/examination (→ § 4.1 Attention), the examiner state "a part of claim X" etc. as the claim number and indicates the excluded alternatives.

b. Annex, first sheet

This page is employed where partial ISR is established.

ANNEX TO FORM PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH

International application No.
PCT/JP2015/999999

1. The present communication is an Annex to the invitation to pay additional fees and, where applicable, protest fee (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:

2. This communication is not the international search report which will be established according to Article 18 and Rule 43.

3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.

4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on the other parts of the international application for which such fees will have been paid.

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

☐ Further documents are listed in a continuation Box. ☒ See patent family annex.

* Special categories of cited documents:
 "A" document defining the general state of the art which is not considered to be of particular relevance
 "E" earlier document but published after the international filing date
 "L" document which throws doubts on priority claim(s) or cited to establish the priority date of another claim or other special reasons specified
 "O" document referring to an oral disclosure, use, exhibition or other
 "P" document published prior to the international filing date but later than the priority date claimed
 "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
 "&" document member of the same patent family

Form PCT/ISA/206 (Annex, first sheet) (April 2005)

State the claim number classified for the "main invention".

State the information on the documents considered to be related to the "main invention".
Instructions for describing the information on these documents are the same as those in the ISR.
[→ § 2.8 \(5\)](#)

Check this box where all citation documents cannot be written in this page and the "continuation of annex, first sheet" is employed.

Check this box where the "extra sheet for patent family" is employed.

c. patent family annex

This page is employed where the information on patent family members of each citation documents is provided together on an annex instead of in annex, first sheet. Otherwise, this sheet is not included in the ISA/206.

Patent Family Annex Information on patent family members			International application No. PCT/JP2015/999999
Patent document cited in search report	Publication date (day/month/year)	Patent family member(s)	Publication date (day/month/year)
<div style="border: 1px solid black; padding: 10px; display: inline-block;"><p>Instructions for describing patent family annex are the same as those in the ISR. → § 2.8 (7)</p></div>			

Form PCT/ISA/206 (patent family annex) (April 2005)

5.2.2 Invitation to Restrict or Pay Additional Fees, and, Where Applicable, Protest Fee (IPEA/405)

(1) Overview of related treaties, rules, guidelines, and others

If the IPEA considers that the international application does not comply with the requirement of unity of invention, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirement or to pay additional fees [A34(3)(a)]. In this case, the IPEA shall prepare “Invitation to restrict or pay additional fees, and, where applicable, protest fee” (IPEA/405) using Form PCT/IPEA/405 [R68.2, GL10.74].

The invitation of IPEA/405 shall specify at least one possibility of restriction which, in the opinion of the IPEA, would be in compliance with the applicable requirement [R68.2(i)].

(2) Detailed procedure

a. Determination whether IPEA/405 is established

Where the examiner determines that the international application does not satisfy the requirement of unity of invention as a result of consideration for unity of invention in the intermediate invitations at the international preliminary examination stage ([→ § 3.4.1](#)), the IPEA/405 may be established [A34(3)(a)].

In the case where IPEA/405 is established, the examiner pays attention to the time limit for intermediate invitations as shown in the schedule table of the international preliminary examination.

However, where the examiner determines that the prior art search may be conducted for all of the “additional inventions” with no or little additional effort, IPEA/405 is not established [GL10.76].

For the criteria for determination of the requirement of unity of invention, and for the method for calculating the number of inventions, see Chapter 4. [→ § 4.2](#)

b. Consideration in establishing IPEA/405

In establishing the IPEA/405, the examiner considers the following (a) or (b) and states a result of the consideration in extra sheet of the IPEA/405.

(a) Claim classified for “main invention”

The examiner identifies a primary invention from “groups of inventions so

linked as to form a single general inventive concept” described in the claims as the “main invention” at the international preliminary examination stage [A34(3)(c), MO Article 60].

However, a “group of inventions so linked as to form a single general inventive concept” which is first mentioned in the claims is considered the main invention, where it cannot be determined which is the “main invention”.

The examiner specifies the claim classified for the above “main invention” in the IPEA/405.

Notes

Since the “main invention” at the international search stage is a “group of inventions so linked as to form a single general inventive concept” which is first mentioned in the claims [A17(3)(a), R13.1], it does not necessarily correspond with the “main invention” at the international preliminary examination stage.

(b) Suggestion for restricting claims

The examiner suggests at least one example of restriction of claims in the IPEA/405 such that the requirement of unity of invention is satisfied [R68.2(i)]. The examiner may normally suggest the restriction into the claim(s) classified for the “main invention” ([→ \(a\)](#)).

c. Points of attention after establishment of IPEA/405

Where the applicant paid all required additional fees and protested against the additional fees, the examiner conducts required work. [→ § 5.2.4](#)

Also, the following should be paid attention.

- The subject of examination in the international preliminary examination is determined depending on the contents of the response by the applicant against the IPEA/405. [→ § 3.5](#)
- Where the WO/IPEA is established, Box No. IV is employed, item 1 of Box No. IV shall be checked, and the corresponding boxes shall be checked depending on the contents of the response by the applicant against the IPEA/405. Item 2 of Box No. IV shall not be checked. [→ § 3.9 \(5\)](#)
- Box No. IV of the IPER is employed, box No. 1 shall be checked, and a corresponding box shall be checked depending on the contents of the response

by the applicant against the IPEA/405. → [§ 3.10 \(5\)](#)

(3) Instructions for Preparation of IPEA/405

a. Main sheet

State the number of inventions included in the claims.

Payment is due within one month from the invitation to pay [R68.2(iii)].

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DAIRI, Nin

9-8-7, Anytown, Chiyoda-ku,
Tokyo 100-9999, Japan

PCT

INVITATION TO RESTRICT
OR PAY ADDITIONAL FEES, AND,
WHERE APPLICABLE, PROTEST FEE
(PCT Article 34(3)(a) and Rule 68.2 and 68.3(e))

Applicant's or agent's file reference 5678H	Date of mailing (day/month/year) REPLY OR PAYMENT DUE within 1 month from the above date of mailing
International application No. PCT/JP2013/888888	International filing date (day/month/year) 20.12.2013
Applicant PATENT CORPORATION	

1. This International Preliminary Examining Authority

(i) considers that there are _____ (number of) inventions claimed in the international application as indicated in the Annex.

(ii) therefore considers that **the international application does not comply with the requirement of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated in the Annex.

(iii) recalls that claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination (Rule 66.1(e)).

2. Consequently the applicant is hereby **invited**, within the time limit indicated above, **to restrict the claims** as suggested under item 4, below, **or to pay** the amount indicated below:

¥ _____ x _____ = ¥ _____
Fee per additional invention number of additional inventions total amount of additional fees/currency

3. The applicant is informed that, according to Rule 68.3(e), **the payment of any additional fees may be made under protest**, that is, a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 68.3(e)) in the amount of _____ (amount/currency).

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Preliminary Examining Authority will so declare.

4. **If the applicant opts to restrict the claims**, this Authority suggests the restriction possibilities indicated in the Annex, which in its opinion would be in compliance with the requirement of unity of invention.

5. **In the absence of any response** from the applicant, this Authority will establish the international preliminary examination report on those parts of the international application indicated in the Annex which, in the opinion of this Authority, appear to relate to the main invention.

Name and mailing address of the IPEA/JP
Japan Patent Office
3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer
Commissioner of the Patent Office
Telephone No. +81-3-3581-1101 Ext. ****

Form PCT/IPEA/405 (April 2005) See attentions on accompanying sheet

State "45000" [CO Article 2(7)(ii)].

Leave blank.
The JPO as the IPEA does not request the protest fee.

State the "number of additional inventions" included in the claims. In this regard, "number of additional inventions" is the number obtained by subtracting one from the number of inventions included in the claims (→ § 4.2 (2) b. (b))

State the product of "fee per additional invention" and "number of additional inventions".

b. Extra sheet

<small>ANNEX TO FORM PCT/IPEA/405</small>	<small>International application No. PCT/JP2013/888888</small>
<div style="border: 2px solid black; padding: 10px; margin: 20px auto; width: 80%;"><ul style="list-style-type: none">• State the following items as the continuation of item 1 of the main sheet.<ul style="list-style-type: none">- Number of inventions included in the claims- Claim number classified for each invention- Grounds for determining that the requirement of unity of invention is not satisfied (Criteria for unity of invention → § 4.2)• As the continuation of item 4 and 5 of the main sheet, the claim(s) classified for the "main invention" shall be specified (→ (2) b. (a)) and the suggestion for restricting the claim shall be made (→ (2) b. (b)).</div>	
<small>Form PCT/IPEA/405 (Annex) (April 2005)</small>	

5.2.3 Decision of Protest against Additional Fees at International Search Stage (ISA/212)

(1) Overview of related treaties, rules, guidelines, and others

The applicant may pay all required additional fees and protest against the additional fees where the ISA invites to pay the additional fees [R40.2(c), MO Article 44].

Where the applicant protests against the additional fees, such protest shall be examined by a review body constituted in the framework of the ISA, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees [R40.2(c)].

Where a protest is made for additional fees from the applicant, a collegial body constituted by three examiners shall make the decision for such protest in the JPO as the ISA [MO Article 45(1)].

(2) Detailed procedure

a. Check of protest against additional fees

Where the applicant protests for additional fees, the following (i) and (ii) shall be submitted.

- (i) “Payment of additional fees” for payment of required additional fees
- (ii) “Statement” of protest against additional fees

Where the examiner confirms that these documents are submitted, the examiner stops the work at the international search stage, and then promptly request to constitute the collegial body and to establish the ISA/212.

Reference

MO Article 44 provides that the applicant may protest against additional fees where the “invited amount of fees is paid additionally”. Therefore, the JPO as the ISA admits a protest against additional fees only where the “invited amount of fees”, that is, “all required additional fees” are paid [MO Article 44]. The JPO does not admit a protest against additional fees where all or a part of the required additional fees is not paid.

b. Establishment of ISA/212 by collegial body

The collegial body examines the protest against additional fees and establishes the “Notification of decision on protest or declaration that protest considered not to have been made” (ISA/212) using Form PCT/ISA/212 [GL10.70].

For the criteria for determination of the requirement of unity of invention, and for the method for calculating the number of inventions, see Chapter 4. [→ § 4.2](#)

c. Points of attention after establishment of ISA/212

After the collegial body establishes the ISA/212, the examiner checks the contents of it and restarts the work at the international search stage.

In this case, the following should be noted.

- Where the collegial body establishes the ISA/212, the examiner conducts a search for all claims¹ regardless of the determination results in the ISA/212 since all required additional fees are paid. [→ § 2.5](#)
- Where the requirement of unity of invention is determined not to be satisfied in the ISA/212, Box No. III of the ISR is employed and prepared as below [→ § 2.8\(3\)](#)
 - The determination for unity of invention is stated according to the determination results in the ISA/212.
 - Item 1 is checked.
 - The most upper box (“The additional search fees were accompanied by the applicant’s protest and, where applicable, the payment of a protest fee.”) is checked in the “Remarks on Protest”.
- Where the requirement of unity of invention is determined to be satisfied in the ISA/212, Box No. III of the ISR is not employed. [→ § 2.7.1 \(2\)](#)
- In preparing the WO/ISA, Box No. IV is employed regardless of the determination results, and described as below [→ § 2.9\(5\)](#)
 - Item 1 is checked, and the second box from top (“paid additional fees under protest and, where applicable, the protest fee.”) is also checked.

¹ The claim which is determined as the exclusion from the international search ([→ § 2.3.5](#)) shall be excluded.

- Item 3 is stated according to the determination results in the ISA/212¹.
- In preparing the ISA/220, Item 3 is checked ([→ § 2.10](#)).

¹ Where the requirement of unity of invention is determined to be satisfied in the ISA/212, the upper box (“complied with”) is checked. The examiner is not required to state the grounds for determining that the requirements of unity of invention are complied.

(3) Instructions for Preparation of ISA/212

a. Main sheet

PATENT COOPERATION TREATY					
From the INTERNATIONAL SEARCHING AUTHORITY					
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan </div> <div style="border: 1px solid black; padding: 5px;"> Applicant's or agent's file reference 5678H </div> <div style="border: 1px solid black; padding: 5px;"> International application No. PCT/JP2015/999999 </div> <div style="border: 1px solid black; padding: 5px;"> Applicant PATENT CORPORATION </div>	<div style="text-align: center; padding: 10px 0;"> 1 - NOTIFICATION OF DECISION ON PROTEST OR DECLARATION THAT PROTEST CONSIDERED NOT TO HAVE BEEN MADE <small>(PCT Rule 40.2(c) and (e) and Administrative Instructions, Section 502)</small> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Date of mailing <i>(day/month/year)</i> </div> <div style="border: 1px solid black; padding: 5px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 2px 5px;">IMPORTANT NOTIFICATION</th> </tr> <tr> <td style="width: 60%; padding: 2px 5px;">International filing date <i>(day/month/year)</i></td> <td style="width: 40%; padding: 2px 5px;">25.02.2015</td> </tr> </table> </div>	IMPORTANT NOTIFICATION		International filing date <i>(day/month/year)</i>	25.02.2015
IMPORTANT NOTIFICATION					
International filing date <i>(day/month/year)</i>	25.02.2015				
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> The applicant is hereby notified that this International Searching Authority, after having examined the protest on the payment of the additional fees, has reached the decision indicated below. </div> <div style="width: 50%;"> <div style="border: 1px dotted black; padding: 5px; margin-bottom: 5px;"> 1. <input type="checkbox"/> The protest is found justified to the extent that: <input type="checkbox"/> total reimbursement of the additional fees and, where applicable, any protest fee paid will be made in due course <input type="checkbox"/> partial reimbursement in the amount of ¥ _____ <small>(amount/currency)</small> will be made in due course for the following reason(s): </div> <div style="margin-bottom: 5px;"> 2. <input type="checkbox"/> The protest is found unjustified and the additional fees and, where applicable, any protest fee paid will not be refunded for the following reason(s): </div> <div> 3. <input checked="" type="checkbox"/> The International Searching Authority declares that the protest is considered not to have been made since the applicant has not paid the protest fee within the time limit referred to in the invitation (Form PCT/ISA/206) dated _____. </div> </div> </div>					
ATTENTION The applicant should notify the International Bureau promptly if he wishes a copy of the protest and the decision thereon to be sent to the designated Offices. A copy of this notification has been sent to the International Bureau.					
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 Ext. * * * *				
Form PCT/ISA/212 (April 2005)					

Check this box.

Check this box where all or a part of fees is refunded to the applicant. In addition, check the appropriate box in the dotted frame. State refunded amount where applicable.

Check this box where fees are not refunded.

Do not check this box. The JPO as the ISA does not request the protest fee.

b. Annex

State the establishment date of the ISA/212.

Patent Cooperation Treaty

Decision on Claim for Return of Fee Additionally Paid

Japan Patent Office
Date:

International Application No. PCT/JP2015/999999
Opponent: PATENT CORPORATION
Agent: DAIRI, Nin

Decision

1. Fees additionally paid are to be returned as follows.

• ☐ Full amount

• ☐ Part of the fee additionally paid: ¥

2. ☐ Fee additionally paid are not to be returned.

Reasons:

State the ground for determination.
The continuation shall be described in the extra sheet where all the reason cannot be written in this sheet.

☒ ISA / ☒ IPEA

Examiner-in-chief Examiner
Examiner Examiner
Examiner Examiner

Form PCT/ISA/212(Annex)

Check this box where all of fees are refunded to the applicant.

Check this box where a part of fees is refunded to the applicant. In addition, state refunded amount.

Check this box where fees are not refunded.

Check the box "ISA".

State the name of the examiner constituting the collegial body.

5.2.4 Decision of Protest against Additional Fees at International Preliminary Examination stage (IPEA/420)

(1) Overview of related treaties, rules, guidelines, and others

The applicant may pay all required additional fees and protest against the additional fees where the IPEA invites to pay the additional fees [R68.3(c), MO Article 70(4), MO Article 44].

Where the applicant protests against the additional fees, such protest shall be examined by a review body constituted in the framework of the IPEA, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees [R68.3(c)].

Where a protest is made for additional fees from the applicant, a collegial body constituted by three examiners shall make the decision for such protest in the JPO as the IPEA [MO Article 70(4), MO Article 45(1)].

(2) Detailed procedure

a. Check of protest against additional fees

Where the applicant protests for additional fees, the following (i) and (ii) shall be submitted.

- (i) “Payment of additional fees” for payment of required additional fees
- (ii) “Statement” of protest against additional fees

Where the examiner confirms that these documents are submitted, the examiner stops the work at the international preliminary examination stage, and then promptly request to constitute the collegial body and to establish the IPEA/420.

Notes

MO Article 44, which is applied mutatis mutandis pursuant to MO Article 70(4), provides that the applicant may protest against additional fees where the “invited amount of fees is paid additionally”. Therefore, the JPO as the IPEA admits a protest against additional fees only where the “invited amount of fees”, that is, “all required additional fees” are paid [MO Article 70(4), MO Article 44]. The JPO does not admit a protest against additional fees where all or a part of the required additional fees is not paid.

b. Establishment of IPEA/420 by collegial body

The collegial body examines the protest against additional fees and establishes the “Notification of decision on protest or declaration that protest considered not to have been made” (IPEA/420) using Form PCT/IPEA/420.

For the criteria for determination of the requirement of unity of invention, and for the method for calculating the number of inventions, see Chapter 4. [→ § 4.2](#)

c. Points of attention after establishment of IPEA/420

After the collegial body establishes the IPEA/420, the examiner checks the contents of it and restarts the work at the international preliminary examination stage.

In this case, the following should be noted.

- Where the collegial body establishes the IPEA/420, the examiner conducts an examination for all claims¹ regardless of the determination results in the IPEA/420 since all required additional fees are paid. [→ § 3.5](#)
- In preparing the WO/IPEA, Box No. IV is employed and described as below [→ § 3.9\(5\)](#)
 - Item 1 is checked, and the third box from top (“paid additional fees under protest and, where applicable, the protest fee.”) is also checked.
 - Item 2 is not checked.
- In preparing the IPER, Box No. IV is employed and described as below [→ § 3.10\(5\)](#)
 - Item 1 is checked, and the third box from top (“paid additional fees under protest and, where applicable, the protest fee.”) is also checked.
 - Item 3 is stated according to the determination results in the IPEA/420². However, where the claims are amended or restricted after the establishment of the IPEA/420, the requirement for unity of invention is reconsidered in taking the results in the IPEA/420 into consideration and that result is stated in item 3.

¹ The claim which is determined as the exclusion from the international preliminary examination ([→ § 3.3.5](#)) shall be excluded.

² Where the requirement of unity of invention is determined to be satisfied in the IPEA/420, the upper box (“complied with”) is checked. The examiner is not required to state the grounds for determining that the requirements of unity of invention are complied.

(3) Instructions for Preparation of IPEA/420

a. Main sheet

PATENT COOPERATION TREATY	
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	NOTIFICATION OFTION THAT PROTEST CONSIDERED NOT TO HAVE BEEN MADE (PCT Rule68.3(C) and (e) and Administrative Instructions, Section 603)
Date of mailing (day/month/year)	
Applicant's or agent's file reference 5678H	IMPORTANT NOTIFICATION
International application No. PCT/JP2013/888888	International filing date (day/month/year) 20.12.2013
Applicant PATENT CORPORATION	
<input checked="" type="checkbox"/> The applicant is hereby notified that this International Preliminary Examining Authority, after having examined the protest on the payment of the additional fees, has reached the decision indicated below.	
1. <input type="checkbox"/> The protest is found justified to the extent that: <div style="margin-left: 20px;"> <input type="checkbox"/> total reimbursement of the additional fees and, where applicable, any protest fee paid will be made in due course <input type="checkbox"/> partial reimbursement in the amount of _____ (amount/currency) will be made in due course for the following reason(s): </div>	
<input type="checkbox"/> The protest is found unjustified and the additional fees and, where applicable, any protest fee paid will not be refunded for the following reason(s): <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> </div>	
3. <input type="checkbox"/> The International Preliminary Examining Authority declares that the protest is considered not to have been made since the applicant has not paid the protest fee within the time limit referred to in the invitation (Form PCT/IPEA/405) dated _____.	
ATTENTION The applicant should notify the International Bureau promptly if he wishes a copy of the protest and the decision thereon to be sent to the selected Offices. A copy of this notification has been sent to the International Bureau	
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 ****

Form PCT/IPEA/420 (April 2005)

Check this box.

Check this box where all or a part of fees is refunded to the applicant. In addition, check the appropriate box in the dotted frame. State refunded amount where applicable.

Check this box where fees are not refunded.

Do not check this box. The JPO as the IPEA does not request the protest fee.

b. Annex

State the establishment date of the IPEA/420.

Patent Cooperation Treaty

Decision on Claim for Return of Fee Additionally Paid

Japan Patent Office
Date: _____

International Application No. PCT/JP2013/888888
Opponent: PATENT CORPORATION
Agent: DAIRI, Nin

Decision
1. Fees additionally paid are to be returned as follows.

- ☐ Full amount
- ☐ Part of the fee additionally paid: ¥ _____
- 2. ☐ Fee additionally paid are not to be returned.

Reasons:

State the ground for determination.
The continuation shall be described in the extra sheet where all the reason cannot be written in this sheet.

☒ ISA ☒ IPEA

Examiner-in-chief Examiner
Examiner Examiner
Examiner Examiner

Form PCT/IPEA/420(Annex)

Check this box where all of fees are refunded to the applicant.

Check this box where a part of fees is refunded to the applicant. In addition, state refunded amount.

Check this box where fees are not refunded.

Check the box "IPEA".

State the name of the examiner constituting the collegial body.

5.3 How to Handle Interview, etc. with the Applicant

5.3.1 Informal Clarification during International Search (ISA/207)

(1) Overview of related treaties, rules, guidelines, and others

In the event that the description, claims, or drawings fail to comply with a requirement, such as clarity or support of the claims by the description, to such an extent that no meaningful search can be made, the ISA may, where appropriate, ask the applicant informally for clarification [GL9.34].

(2) Detailed procedure

In cases where the examiner cannot conduct a meaningful search in the international search stage as a result of violation of requirements for the description, claims or drawings, the examiner may request the applicant for clarification through informal communication by interviewing the applicant or through means such as a telephone and e-mail.

a. How to handle informal communication

In cases where the agent has been appointed, the examiner contacts the agent. In cases where no agent has been appointed, the examiner makes the communication to the applicant.

If informal communication is made from the applicant, the examiner handles the case in a similar manner as the international preliminary examination stage¹.
[→ § 5.3.2 \(2\) a. \(b\)](#)

b. Note on informal communication

If the examiner makes informal communication with the applicant in the international search stage, the examiner uses the Form PCT/ISA/207 to prepare the “Informal clarification: note/invitation” (ISA/207)². However, if the content of the

¹ In this case, the examiner establishes ISA/207 on the basis of the description of “Note on informal communication” ([→ b.](#)).

² Even after transmittal of the ISR, if the examiner makes informal communication with the applicant prior to receipt of the demand for international preliminary examination, the examiner prepares the ISA/207. If the examiner makes informal communication in the international preliminary examination, the examiner prepares the IPEA/428 (Note on informal communication with the applicant). [→ § 5.3.2](#)

informal communication is merely clerical (e.g. communication concerning adjustments to the date or place of the interview, communication concerning attendee(s) of the interview), or is otherwise not related to contents of the application, there is no need to prepare the ISA/207.

In preparing the ISA/207, the examiner shall specifically indicate details and results of the communication. In addition, the examiner pays attention to the following:

- If the examiner conducted an interview, the examiner may prepare the ISA/207 in handwriting.
- The JPO as the ISA does not transmit the ISA/207 to the applicant. However, if the examiner conducted an interview, the examiner makes a copy of the ISA/207 and hand-deliver the copy to the participants from the applicant's side.
- If the applicant submitted written document(s) during the informal communication, copy of such document(s) shall be attached to the ISA/207. Also, if an agent submitted a power of attorney about the communication, a copy of the power of attorney shall be attached to the ISA/207 in the same way as the written document(s).

(3) Instructions for Preparation of ISA/207

Leave blank.
The JPO as the ISA does not transmit ISA/207 to make communication with the applicant.

Check this box.
In addition, indicate the date of making informal communication with the applicant.

Check all boxes which are applicable as types of communication.

Do not check this box.
The JPO as the ISA does not transmit ISA/207 to make communication with the applicant.

Check this box and specifically indicate details and results of the communication.
The continuation shall be described in the Annex where all information cannot be written in this sheet. In doing so, state "Refer to Annex", "Continued to the Annex", etc. to clarify that continuation is indicated on the Annex.

Indicate the name of the participants.
If an assistant examiner is one of the participants, indicate the name of the assistant examiner as well.
(e.g., Examiner(s): xx xx Assistant Examiner: xx xx)

If an interview is conducted, check the applicable box.
Otherwise no check is required.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

INFORMAL CLARIFICATION
NOTE/INVITATION
(PCT Article 17(2) and PCT/GL/ISPE paragraphs 9.34 and 9.35)

Applicant's or agent's file reference
5678H

Date of mailing (day/month/year)

International application No.
PCT/JP2015/999999

International filing date (day/month/year)
25.02.2015

Applicant
PATENT CORPORATION

It appears to this International Searching Authority that the description, claims or drawings **fail to comply with the PCT requirements** to such an extent that a meaningful search cannot be carried out in relation to the international application under Article 17(2)(a)(ii).

1. ☒ This International Searching Authority **has contacted** the applicant on _____ (day/month/year) (see below) to **informally discuss** the application and obtain the required clarification.

Communication type

☐ by telephone

☐ personal

☐ by e-mail

☐ by facsimile

☐ by regular mail

Participants

☐ Applicant: _____

☐ Agent: _____

☐ Examiner(s): _____

☐ identity checked ☐ authorization checked ☐ personally known

A summary of the discussions is set out under item 3.

2. ☒ This International Searching Authority hereby **invites** the applicant to **provide informal clarification** on the issue(s) indicated under item 3 within _____ (days/months) from the date of mailing of this Invitation.

IMPORTANT: Failure to react timely and/or furnish the clarification required by this International Searching Authority could result either in the International Search Report indicating certain claims as unsearchable or the issuance of a declaration under Article 17(2)(a)(ii), that no International Search Report will be established.

3. ☐ Summary of the discussions/detailed issue(s) requiring **informal clarification** (if necessary continued in the Annex to this Form).

Name and mailing address of the ISA/JP

Japan Patent Office

4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer

SHINSAKI, Jun

92 9999

Telephone No. +81-3-3581-101 Ext. ***

Form PCT/ISA/207 (August 2011)

5.3.2 Informal Communication with the Applicant during the International Preliminary Examination (IPEA/428, IPEA/429)

(1) Overview of related treaties, rules, guidelines, and others

The applicant shall have a right to communicate orally and in writing with the IPEA [A34(2)(a)].

The IPEA may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant [R66.6].

(2) Detailed procedure

The examiner may make informal communication with the applicant in the international preliminary examination stage by means such as an interview, telephone, and e-mail. In addition, the examiner may receive informal communication from the applicant.

When making informal communication with the applicant, the examiner shall pay careful attention so as not to fail to observe the due date indicated in the schedule table of the international preliminary examination.

a. How to handle informal communication

(a) In cases where the informal communication is made from the examiner

In cases where the agent has been appointed, the examiner contacts the agent. In cases where no agent has been appointed, the examiner makes the communication to the applicant.

(b) In cases where the informal communication is made from the applicant

If the informal communication is made from the applicant, the examiner responds in the following manner. If the participant from the applicant's side is the agent, the examiner responds upon confirmation that said agent has the right to practice.

- If the applicant requests for response by telephone or e-mail or the like, the examiner accepts the request in principle.
- If the applicant requests for an interview, the examiner accepts the interview at least once as a rule.
- If, however, the examiner determines that it is not appropriate to accept the

applicant's request as a result of consultation with the director or associate director, the examiner does not have to accept such request.

Cases where it is not necessary to accept the applicant's request

- In cases where acceptance of the applicant's request may lead to the failure to observe the due date indicated in the schedule table
- In cases where there is no prior announcement to the examiner
Example: In cases where the applicants requests for an interview by arriving at the JPO without any prior announcement
Example: In cases where the applicant transmits a draft amendment by e-mail or the like without any prior announcement
- In cases where the applicants makes an inquiry about how to handle the application without having prepared a draft amendment or other such specific proposal
- In cases where many draft amendments have been submitted, and the examiner determines that it is not reasonable to state opinions on them
Example: In cases where many draft amendments are submitted by a single transmission on e-mail, asking the examiner to select the draft amendment which the examiner considers as most appropriate
Example: In cases where draft amendments are submitted repeatedly during an interview, asking for opinions about each draft amendment
- In cases where the applicant requests for two or more interviews over a short period of time
- In cases where the request concerns a second or subsequent interview, and the content of the inquiry intended by the applicant's side is substantially the same as the previous time
- In cases where no participant from the applicant's side corresponds to “a person who is able to respond in a responsible manner”¹

¹ “A person who is able to respond in a responsible manner” means a person who (i) has knowledge about procedures for application, and (ii) has technical knowledge about the invention for the application concerned, and (iii) is able to appropriately represent the applicant's intentions concerning handling of the application concerned.

b. Note on informal communication

If the examiner makes informal communication with the applicant in the international preliminary examination stage, the examiner uses the Form PCT/IPEA/428 to prepare the “Note on informal communication with the applicant” (IPEA/428)¹. In addition, if needed², the examiner also prepares the “Notification concerning informal communication with the applicant” (IPEA/429). However, if the content of the informal communication is merely clerical (such as communication concerning adjustments to the date or place of the interview or concerning attendee(s) of the interview), or is otherwise not related to contents of the application, the examiner need to prepare neither IPEA/428 nor IPEA/429.

In preparing the IPEA/428, the examiner shall specifically indicate details and results of the communication [GL19.42-19.46].

In addition, if the applicant submitted written document(s) during the informal communication, copy of such document(s) shall be attached to the IPEA/428. Also, if an agent submitted a power of attorney about the communication, a copy of the power of attorney shall be attached to the IPEA/428 in the same way as the written document(s).

Furthermore, the examiner pays attention to the following:

(a) Points of attention when the examiner conducted an interview

- If the examiner conducted an interview, the examiner may prepare the IPEA/428 in handwriting.
- The examiner makes a copy of the IPEA/428 and hand-deliver the copy to the participants from the applicant's side.

¹ The examiner prepares the ISA/207 if the examiner makes informal communication prior to receiving the demand for international preliminary examination. → § 5.3.1

² For example, if an agreement that the applicant shall submit amendments before the next round in the international preliminary examination stage has been made between the examiner and the applicant so that the examiner can take the amendments into account, and if the deadline for the submittal of the amendments should be clearly determined.

(b) Points of attention when giving the applicant an opportunity to submit amendments or arguments

- If, as a result of informal communication, the examiner decides to give the applicant an opportunity to submit amendments or arguments, the examiner prepares the WO/IPEA or the IPEA/429.
- In preparing the IPEA/429, the time limit for responding to the IPEA/429 shall be determined according to the number of months before the deadline of preparing the WO/IPEA or the IPER. If it is more than 3 months before the deadline, the time limit shall be 2 months. If it is not less than 2 month but not more than 3 months before the deadline, the time limit shall be 1 month.
- If it is less than 2 months before the deadline, the examiner shall not prepare the IPEA/429.
- In preparing the IPEA/429, the examiner prepares the IPEA/428 at the same time. In addition, the examiner clearly indicates in the IPEA/428 that it is being sent with the IPEA/429.

(c) Points of attention when an extension of time limit to WO/IPEA is requested

- If an extension of time limit to WO/IPEA is requested in the informal communication with the applicant, the examiner prepares the IPEA/427 (Communication regarding Extension of Time Limit) ([→ § 5.10](#)) along with the IPEA/428.
- If the examiner granted the extension of time limit in the IPEA/427, the examiner indicates that effect in the IPEA/428.

(3) Instructions for Preparation of IPEA/428

If an interview is conducted, check the appropriate box. Otherwise no check is required.

Indicate the date of informal communication with the applicant.

Check the box which is applicable as a type of communication. If the type of communication is other than telephone or personal (e.g., e-mail), do not check either box. Instead, state that effect in the space provided for "Summary of the communication".

Indicate the name of the participants.

If an assistant examiner is one of the participants, indicate the name of the assistant examiner as well. (e.g., Examiner(s): xx xx Assistant Examiner: xx xx)

Check this box if the IPEA/427 (Communication regarding extension of time limit) is prepared along with the IPEA/428.

Check this box if the IPEA/429 (Notification concerning informal communication with the applicant) is prepared along with the IPEA/428.

- If an interview is conducted, the name of one of the participants from the applicant's side should be listed.
- This space needs not be filled out if telephone or e-mail is used.

PATENT COOPERATION TREATY
PCT
NOTE ON INFORMAL COMMUNICATION WITH THE APPLICANT
(PCT Article 66.6)

International application No. PCT/JP2013/88888	Applicant's or agent's file reference 5678H	Date of informal communication (day/month/year)
Applicant PATENT CORPORATION		
<p>Communication</p> <p><input type="checkbox"/> by telephone</p> <p><input type="checkbox"/> personal</p>	<p>Participants</p> <p><input type="checkbox"/> Applicants:</p> <p><input type="checkbox"/> Agent:</p> <p><input type="checkbox"/> Examiner(s):</p>	<p><input type="checkbox"/> identity checked</p> <p><input type="checkbox"/> authorization checked</p> <p><input type="checkbox"/> personally known</p>
<p>Summary of the Communication:</p> <p style="text-align: center; border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;">Specifically indicate details and results of the communication.</p>		
<p><input type="checkbox"/> An extension of time limit is granted (Form PCT/IPEA/427).</p> <p><input type="checkbox"/> A copy of this note is being sent to the applicant with Form PCT/IPEA/429.</p>		
Applicant/Agent		<p>Authorized officer</p> <p>SHINSAKI, Jun</p> <p>Telephone No. +81-3-3581-1101 Ext. ****</p>

Form PCT/IPEA/428 (July 1992)

(4) Instructions for Preparation of IPEA/429

Designate one or two month(s) as the reply due according to the number of months before the deadline of preparing the WO/IPEA or the IPER.

PATENT COOPERATION TREATY			
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY			
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan		PCT NOTIFICATION CONCERNING INFORMAL COMMUNICATION WITH THE APPLICANT (PCT Rule 66.6)	
Applicant's or agent's file reference 5678H		Date of mailing (day/month/year)	
International application No. PCT/JP2013/888888		REPLY DUE within months from the above date of mailing	
Applicant PATENT CORPORATION		International filing date (day/month/year) 20.12.2013	
1. An informal communication took place on _____, between the undersigned and <input type="checkbox"/> the applicant <input type="checkbox"/> the agent			
and this International Preliminary Examining Authority transmits herewith a copy of the note on that communication (From PCT/IPEA/428).			
2. Further examination of the international application has revealed that the application fails to meet the requirements of the PCT and the Regulations as explained in the attached note.			
3. The applicant is hereby invited, within the time limit indicated above, to submit a written reply accompanied by amendments.			
4. IF no reply is submitted , the international preliminary examination report will reflect only the opinion expressed by this Authority.			
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan <small>Form PCT/IPEA/429 (July 1992)</small>		Authorized officer SHINSAKI, Jun Telephone No. +81-3-3581-1101 Ext. ***	

Indicate the date of informal communication with the applicant.

Check the appropriate box for the participants from the applicant's side.

5.4 Rectification of Obvious Mistakes

5.4.1 Invitation to Request Rectification of Obvious Mistakes (ISA/216, IPEA/411)

(1) Overview of related treaties, rules, guidelines, and others

Where the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau discovers what appears to be a rectifiable obvious mistake in the international application or another document, it may invite the applicant to request rectification under PCT Rule 91 [R91.1(h)].

(2) Specific procedure

In a case where the examiner finds obvious mistakes in the description, claims or drawings on basis of international search or international preliminary examination ([→ § 2.4.2](#), [§ 3.4.2](#)), the examiner can invite the applicant to request rectification of the mistake [R91.1(h)]. In this case, the examiner, by using Form PCT/ISA/216 or Form PCT/IPEA/411, promptly prepares “Invitation to request rectification” [GL8.13].

The examiner points out the obvious mistakes suggesting the description which the applicant has originally intended.

Attention

- The ISA/216 or the IPEA/411 shall establish it until the deadline for the intermediate invitations shown in the schedule table.
- Where the rectification of obvious errors is requested by the applicant after the notification of the ISA/216 or the IPEA/411, the content of the rectification shall be checked, along with whether the rectification is accepted. [→ § 5.4.2](#)
- Because such obvious mistakes are not an impediment to the international search, invitation by the examiner to the applicant to request for rectifying the obvious mistakes is not expected normally [GL8.13].

(3) Instructions for preparation of ISA/216

The examiner points out the obvious mistakes suggesting the description which the applicant has originally intended.
The upper box shall be selected where pointing out in an annex.
The lower box shall be selected where pointing out in this field.

Check the box of "this International Searching Authority".

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

<p>To:</p> <p>DAIRI, Nin</p> <p>9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan</p>	<p>PCT</p> <p>INVITATION TO REQUEST RECTIFICATION</p> <p>(PCT Rules 91.1(h) and 91.2)</p>
<p>Applicant's or agent's file reference</p> <p>5678H</p>	<p>REPLY DUE</p> <p>within 1 month from the above date of mailing see item 2 and the last paragraph below</p>
<p>International application No.</p> <p>PCT/JP2015/999999</p>	<p>International filing date (day/month/year)</p> <p>25.02.2015</p>
<p>Applicant</p> <p>PATENT CORPORATION</p>	

1. This International Searching Authority has discovered in the international application/in other documents submitted by the applicant to this Authority what appears to be an obvious mistake:

☐ as shown on the attached copy.

☐ as specified hereafter:

2. The applicant is hereby **invited to submit a request for rectification** to the following authority:

☒ the receiving Office
 ☒ this International Searching Authority
 ☒ the International Bureau of WIPO
 34 chemin des Colombettes
 1211 Geneva 20, Switzerland

HOW TO CORRECT A MISTAKE?

Except where the mistake is in the request, any rectification must be submitted in the form of a replacement sheet or sheets, accompanied by a letter drawing attention to the differences between the replaced sheet and the replacement sheet. For a mistake in the request, the desired rectification may simply be stated in a letter if it is of a nature where the change can be transferred clearly onto the request record copy (Rule 26.4).

ATTENTION

No rectification will be made without the express authorization of the competent authority indicated above and the request for rectification must be submitted to that authority within 26 months from the priority date (Rule 91.2).

<p>Name and mailing address of the ISA/JP</p> <p style="text-align: center;">Japan Patent Office</p> <p>3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan</p>	<p>Authorized officer</p> <p style="text-align: center;">9Z 9999</p> <p>Commissioner of the Patent Office</p> <p>Telephone No. +81-3-3581-1101 Ext. * * * *</p>
---	---

Form PCT/ISA/216 (April 2007)

(4) Instructions for preparation of IPEA/411

PATENT COOPERATION TREATY	
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	PCT INVITATION TO REQUEST RECTIFICATION (PCT Rules 91.1(h) and 91.2)
Applicant's or agent's file reference 5678H	Date of mailing (day/month/year)
International application No. PCT/JP2013/888888	REPLY DUE see item 2 and the last paragraph below
Applicant PATENT CORPORATION	International filing date (day/month/year) 20.12.2013
1. This International Preliminary Examining Authority has discovered in the international application/in other documents submitted by the applicant to this Authority what appears to be an obvious mistake: <input type="checkbox"/> as shown on the attached copy. <input type="checkbox"/> as specified hereafter:	
2. The applicant is hereby invited to submit a request for rectification to the following authority: <input checked="" type="checkbox"/> the receiving Office <input checked="" type="checkbox"/> this International Preliminary Examining Authority <input checked="" type="checkbox"/> the International Bureau of WIPO 34 chemin des Colombettes 1211 Geneva 20, Switzerland	
HOW TO CORRECT A MISTAKE? Except where the mistake is in the request, any rectification must be submitted in the form of a replacement sheet or sheets, accompanied by a letter drawing attention to the differences between the replaced sheet and the replacement sheet. For a mistake in the request, the desired rectification may simply be stated in a letter if it is of a nature where the change can be transferred clearly onto the request record copy (Rule 26.4).	
ATTENTION No rectification will be made without the express authorization of the competent authority indicated above and the request for rectification must be submitted to that authority within 26 months from the priority date (Rule 91.2).	
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 Ext. *** 9 2 9 9 9

Form PCT/IPEA/411 (April 2007) See attention on accompanying sheet

The examiner points out the obvious mistakes suggesting the description which the applicant has originally intended.
The upper box shall be selected where pointing out in an annex.
The lower box shall be selected where pointing out in this field.

Check the box of "this International Preliminary Examining Authority".

5.4.2 Decision Concerning Request for Rectification of Obvious Mistakes (ISA/217, IPEA/412)

(1) Overview of related treaties, rules, guidelines, and others

An obvious mistake in the international application or another document submitted by the applicant may be rectified in accordance with PCT Rule 91 if the applicant so requests [R91.1(a)]. A request for rectification shall be submitted to the competent authority within 26 months from the priority date [R91.2].

The competent authority shall promptly decide whether to authorize or refuse to authorize a rectification under Rule 91.1 and shall promptly notify the applicant and the IB of the authorization or refusal and, in the case of refusal, of the reasons therefor [R91.3(a)].

Where the obvious errors are rectified for the specifications, claims or drawings on which the international search or the international preliminary examination is conducted, the ISA or the IPEA¹ shall serve as the “competent authority” [R91.1(b)].

(2) Specific procedure

Where the applicant has requested rectification of obvious mistakes, the examiner shall promptly decide whether to authorize or refuse to authorize a rectification under Rule 91.1 and shall promptly notify the applicant and the IB of the authorization or refusal. Also, where the request for rectification is authorized, the examiner shall prepare the ISR, the written opinion or the IPER taken the rectification into account. In particular, the examiner shall conduct the work according to the followings.

a. Request for rectification from applicant

The applicant may submit the “request for rectification of obvious mistake” in requesting the rectification of the obvious errors [MO Article 77(5) → [Notes](#)]

The examiner shall conduct the operations shown in b. and c. below promptly, where the request is received. Even where the examiner starts to establishing the ISR, written opinion or IPER and does not complete the establishment, the operations

¹ The IPEA shall serve the “competent authority” only where a demand for international preliminary examination has been made and has not been withdrawn and the date on which international preliminary examination shall start has passed [R91.1(b)(iii)].

shown in b. and c. below shall be conducted before the establishment is completed in principle. → [Comments](#)

Notes

The request for rectification of obvious mistakes constitutes the replacement sheet for rectification and the letter for explanation of rectified parts [R91.2, R26.4].

b. Determination whether to authorize the rectification

(a) Units for determination for rectification

Units for determination whether to authorize the rectification is each page¹.

(b) Criteria for determining whether to authorize the rectification of obvious mistakes

Where the rectification presented by the applicant satisfies the following two conditions for mistakes in the description, claims or drawings on which the international search or the international preliminary examination is conducted, the examiner shall authorize the rectification [R91.1(c)].

- (i) Occurrence of the mistakes is obvious for a person skilled in the art.
- (ii) It is obvious for a person skilled in the art that the submitted rectification is such a description that the applicant originally intended.

The above determination shall be made with reference to the date when the documents containing mistakes were submitted [R91.1(f)].

c. Establishment of “Notification of decision concerning request for rectification”

The examiner shall, by using Form PCT/ISA/217 or PCT/IPEA/412, establish the “Notification of decision concerning request for rectification” (ISA/217 or IPEA/412) regardless of whether the rectification is authorized.

Where the request for rectification of obvious mistakes is authorized, the

¹ In the case where the rectifications are made in multiple parts of the same page and these rectifications can be distinguished from each other if the applicant's explanations provided in the letter are taken into consideration, whether to authorize the these rectifications are determined separately.

examiner shall consider the rectification for the ISR, written opinion or IPER to be established subsequently. Even when the examiner has started the establishment of the ISR, written opinion or IPER, where the request for rectification of obvious mistakes is authorized before the completion of establishment, they shall be established taking the rectification into account. Otherwise, where the request for rectification of obvious errors is authorized after the completion of establishment of the ISR or the IPER, the rectification may not be taken into account. → [Comments](#)

Where the rectification of obvious mistakes is taken into account, that effect shall be stated in the ISA/217 or the IPEA/412 as well as in the ISR, written opinion or IPER [R43.6*bis*(a), R43*bis*.1(b), R66.1(d-*bis*), R70.2(e)]. → [§ 2.8 \(1\)](#), [§ 2.9 \(2\)](#), [§ 3.9 \(2\)](#), [§ 3.10 \(2\)](#)

Comments

PCT Regulations provide that where the request for rectification of obvious mistakes is authorized or notified after the start of establishment of the ISR, written opinion or IPER, the ISA/IPEA does not need to take the rectification into account for establishment of these documents. [R43.6*bis*(b), R43*bis*.1(b), R66.4*bis*].

However, determining whether to accept the request for rectification of obvious mistakes and conducting the international search or the international preliminary examination taking the obvious mistakes on the basis of the authorized rectification into account normally do not place an excessive burden on the examiner.

Therefore, where the applicant requests the rectification of obvious mistakes, the examiner shall promptly determine whether to authorize the request for rectification, and if authorized, take the rectification into account for the international search or the international preliminary examination except that the ISR or the IPER has been already established in principle.

d. Cases where IPEA/412 has been established

The following should be noted where the IPEA/412 is established before the establishment of the IPER at the international preliminary examination stage.

- Where the request for rectification is authorized, the replacement sheet and the letter submitted for the rectification shall be attached to the IPER as annexes in principle¹ [R70.16(a)(iii)]. → [§ 3.11](#)
- Where the request for rectification is not authorized, the replacement sheet and the letter shall not be attached to the IPER.

¹ However, it should be determined whether it is necessary to attach the replacement sheet and the letter that were replaced in the latter amendments or rectification, or whether they are deemed to have been cancelled.

(3) Instruction for preparation of ISA/217

This box shall be selected where the request for rectification is accepted partially or entirely. The relevant box shall be selected in the dotted frame where this box is selected. The box of "to the extent set forth below" shall be selected where the request for rectification is accepted partially. Also the scope allowed for rectification shall be identified specifically.

Either one of these boxes is required to be selected where the request for rectification is accepted partially or entirely (where the check box 1. a. is selected). The upper box shall be selected normally. The lower box shall be selected only where the request for rectification of obvious mistakes is authorized after the completion of establishment of the ISR and the WO/ISA.

This box shall be selected where the request for rectification is not authorized entirely. The ground for not authorizing the request for rectification shall be described where selected.

PATENT COOPERATION TREATY	
From the INTERNATIONAL SEARCHING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	PCT NOTIFICATION OF DECISION CONCERNING REQUEST FOR RECTIFICATION (Rule 91.3(a) and (d))
Applicant's or agent's file reference 5678H	Date of mailing (day/month/year) REPLY DUE NONE However, see last paragraph below
International application No. PCT/JP2015/999999	International filing date (day/month/year) 25 February 2015
Applicant PATENT CORPORATION	
The applicant is hereby notified that this International Searching Authority has considered the request for rectification of obvious mistakes in the international application/in other documents submitted by the applicant to this Authority, and has decided:	
1. a. <input checked="" type="checkbox"/> to authorize the rectification: <input type="checkbox"/> as requested by the applicant. <input type="checkbox"/> to the extent set forth below*:	
b. <input type="checkbox"/> The rectification will be or has been taken into account for the purposes of the international search (Rule 43.6bis(a)). <input type="checkbox"/> The rectification has not been taken into account because it was authorized by this Authority after this Authority has begun to draw up the international search report (Rule 43.6bis(b)).	
2. <input type="checkbox"/> to refuse to authorize the rectification or part of it for the following reasons*:	
A copy of this notification, together with a copy of the applicant's request for rectification, has been sent to the receiving Office and to the International Bureau.	
* If the authorization of the rectification has been refused in whole or in part, the applicant may request the International Bureau, within two months from the date of the refusal and subject to the payment of a special fee, to publish the request for rectification and the reasons for refusal by this Authority and any further brief comments that may be submitted by the applicant together with the international application. See Rule 91.3(d) and, for the amount of the fee, see the PCT Applicant's Guide, Volume I, Annex B2(IB).	
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office 9Z 9999 Telephone No. +81-3-3581-1101 Ext. 0011
Form PCT/ISA/217 (April 2007)	

(4) Instruction for preparation of IPEA/412

This box shall be selected where the request for rectification is accepted partially or entirely. The relevant box shall be selected in the dotted frame where this box is selected.

The box of "to the extent set forth below" shall be selected where the request for rectification is accepted partially. Also the scope allowed for rectification shall be identified specifically.

Where this field is not spacious enough for description, an annex shall be added for description. In this case, "See annex", "Continued on annex", or the like shall be described and it shall be clarified that the continuation is described in the annex.

Either one of these boxes is required to be selected where the request for rectification is accepted partially or entirely (where the check box 1. a. is selected).

The upper box shall be selected normally. The lower box shall be selected only where the request for rectification of obvious mistakes is authorized after the completion of establishment of the IPER

This box shall be selected where the request for rectification is not authorized entirely. The ground for not authorizing the request for rectification shall be described where selected.

Where this field is not spacious enough for description, an annex shall be added for description. In this case, "See annex", "Continued on annex" or the like shall be described and it shall be clarified that the continuation is described on the annex.

PATENT COOPERATION TREATY	
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	<p style="text-align: center;">PCT</p> <p style="text-align: center;">NOTIFICATION OF DECISION CONCERNING REQUEST FOR RECTIFICATION</p> <p style="text-align: center;">(PCT Rule 91.3(a) and (d))</p>
Date of mailing (day/month/year)	
Applicant's or agent's file reference 5678H	REPLY DUE NONE However, see last paragraph below
International application No. PCT/JP2013/888888	International filing date (day/month/year) 20.12.2013
Applicant PATENT CORPORATION	
<p>The applicant is hereby notified that this International Preliminary Examining Authority has considered the request for rectification of obvious mistakes in the international application/in other documents submitted by the applicant to this Authority, and has decided:</p> <p>1. a. <input type="checkbox"/> to authorize the rectification: <input type="checkbox"/> as requested by the applicant. <input type="checkbox"/> to the extent set forth below*:</p> <p>b. <input type="checkbox"/> The rectification will be or has been taken into account for the purposes of the international preliminary examination (Rule 70.2(e)). <input type="checkbox"/> The rectification has not been taken into account because it was authorized by this Authority after this Authority has begun to draw up the international preliminary examination report (Rule 70.2(e)).</p> <p>2. <input type="checkbox"/> to refuse to authorize the rectification or part of it for the following reasons*:</p>	
<p>A copy of this notification, together with a copy of the applicant's request for rectification, has been sent to the International Bureau.</p> <p>* If the authorization of the rectification has been refused in whole or in part, the applicant may request the International Bureau, within two months from the date of the refusal and subject to the payment of a special fee, to publish the request for rectification and the reasons for refusal by this Authority and any further brief comments that may be submitted by the applicant together with the international application. See Rule 91.3(d) and, for the amount of the fee, see the <i>PCT Applicant's Guide</i>, Volume I, Annex B2(IB).</p>	
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 Ext. ***
Form PCT/IPEA/412 (April 2007)	

5.5 Sequence Listing

5.5.1 Check of Sequence Listing

(1) Overview of related treaties, rules, guidelines, and others

Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences (hereinafter referred to as “sequence” only), a sequence listing complying with the standard provided for in the Annex C of Administrative Instructions [S208] is required to be furnished [R5.2(a)].

Where the applicant has not furnished the sequence listing satisfying the above-mentioned standard and containing language-dependent free text, if any, in a language acceptable to the ISA/IPEA (or in English to the JPO as the ISA/IPEA), the ISA/IPEA may invite the applicant to furnish the sequence listing for the purposes of the international search or the international preliminary examination [R13ter.1(a), R13ter.2, and paragraph 19 of the Annex C of Administrative Instructions].

The ISA/IPEA may establish the “Invitation to furnish nucleotide and/or amino acid sequence listing and to pay, where applicable, late furnishing fee” (ISA/225 or IPEA/441) using Form PCT/ISA/225 or PCT/IPEA/441 and transmit it to the applicant, where the sequence listing is invited to be furnished [GL15.12, GL18.18].

(2) Detailed procedure

Where the international application contains disclosure of sequence, the examiner needs to consider the followings in the international search work or the international preliminary examination work.

- Consideration for the necessity of transmittal of the ISA/225 or IPEA/441 (Invitation to furnish sequence listing) ([→ § 5.5.2](#))
- Check of the sequence listing on which the international search or the international preliminary examination is based ([→ § 5.5.3](#))

Thus, where the international application contains disclosure of sequence, the examiner shall check whether or not a sequence listing is furnished based on the description in Box No. IX (Check list) of the request. The method for checking differs depending on whether the international application is an electronic application ([→ a.](#)) or an application on paper ([→ b.](#))

a. Where international application is an electronic application

For the international application to the JPO as RO (RO/JP), the international application corresponds to an electronic application as so long as that the column “Electronic file(s) attached” is indicated in Box No. IX (Check list) of the request and the row of the “Request”, “Description” and so on are checked in this column (see figure 5-6).

The rows of “Request”, “Description” and so on are checked in the column of “Electronic file(s) attached”.
→ Electronic application.

IX	Check list	Number of sheets	Electronic file(s) attached
IX-1	Request (including declaration sheets)	5	✓
IX-2	Description	35	✓
IX-3	Claims	3	✓
IX-4	Abstract	1	✓
IX-5	Drawings	11	✓
IX-6a	Sequence listing part of the description (also to be used for the purposes of international search)	-	✓
IX-7	TOTAL	55	

The box of the row “Sequence listing part of the description” and the column “Electronic file(s) attached” is checked.
→ A sequence listing is furnished as the “sequence listing forming part of the international application”.

Fig. 5-6 Example of Box No. IX (Check list) of the request (Electronic application)

Method for checking whether or not sequence listing is furnished

The examiner checks whether the box of the row “Sequence listing part of the description” and the column “Electronic file(s) attached” is checked in Box No. IX (Check list) of the request (see Fig. 5-6).

(a) Where the above box is checked

The sequence listing is furnished as the “sequence listing forming part of the international application”.

Notes

Where the international search is carried out on the basis of the furnished sequence listing, check box a. “forming part of the international application as filed” in item 1 of Box No.1 of the ISR and in item 3 of Box No.1 of WO/ISA.

(b) Where the above box is not checked or there is no row “Sequence listing part of the description”

The sequence listing was not furnished as of filing. In this case, the examiner considers the necessity for transmittal of the ISA/225 or IPEA/441 (Invitation to furnish sequence listing) ([→ § 5.5.2](#)).

b. Where international application is an application on paper

For the international application to the RO/JP, the international application corresponds to an application on paper so long as the description “for PAPER filings” is indicated at the header in Box No. IX (Check list) of the request (see figure 5-7).

Box No. IX CHECK LIST for PAPER filing – only to be used when filing on PAPER			
This international application contains the following:		This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	
	Number of sheets		Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets).....	:	1. <input type="checkbox"/> fee calculation sheet.....	:
(b) description	:	2. <input type="checkbox"/> original separate power of attorney	:
(c) claims	:	3. <input type="checkbox"/> original general power of attorney.....	:
(d) abstract	:	4. <input type="checkbox"/> copy of general power of attorney; reference number:	:
(e) drawings (if any).....	:	5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s)	:
Total number of sheets :		6. <input type="checkbox"/> Translation of international application into (language):	:
(f) sequence listing part of the description as a WIPO Standard ST.26 XML file (indicate type and number of physical data carrier(s)):		7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material	:
.....		8. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) ...	:
.....		9. <input type="checkbox"/> other (specify):	:

In the left column, type and number of physical data carrier(s) is described in "(f) sequence listing part of the description as a WIPO Standard ST.26 XML file (indicate type and number of physical data carrier(s))."

→ The sequence listing is furnished as the "sequence listing forming part of the international application".

Fig. 5-7 Example of Box No. IX (Check list) of the request (Application on paper)

Method for checking whether or not sequence listing is furnished

The examiner checks whether or not type and number of physical data carrier(s) are indicated in the left field (f) of Box No. IX (CHECKLIST) (see figure 5-7).

(i) Where (f) of BOX No. IX (CHECKLIST) has its description

The sequence listing recorded in the magnetic disc is furnished as the

“sequence listing forming part of the international application”.

Notes

Where the international search is carried out on the basis of the furnished sequence listing, check the box of a. “forming part of the international application as filed” in item 1 of Box No.1 of the ISR and in item 3 of Box No.1 of WO/ISA.

(ii) Where (f) of BOX No. IX (CHECKLIST) has no description

The sequence listing was not furnished as of filing. In this case, the examiner considers the necessity for transmittal of the ISA/225 or IPEA/441 (Invitation to furnish sequence listing) ([→ § 5.5.2](#)).

5.5.2 Invitation to Furnish Sequence Listing

(1) Overview of related treaties, rules, guidelines, and others

Where the applicant does not furnish the sequence listing complying with the standard provided for in the Annex C of Administrative Instructions [S208], the ISA/IPEA may invite the applicant to furnish the sequence listing for the purposes of international search or the international preliminary examination [R13ter.1(a), R13ter.2].

The ISA/IPEA may establish the “Invitation to furnish nucleotide and/or amino acid sequence listing and to pay, where applicable, late furnishing fee” (ISA/225 or IPEA/441) using Form PCT/ISA/225 or PCT/IPEA/441 and transmit them to the applicant, where the sequence listing is invited to be furnished [GL15.12, GL18.18].

When the applicant does not furnish the invited sequence listing, the ISA/IPEA shall only be required to conduct a search or preliminary examination of the international application to the extent that a meaningful search or preliminary examination can be carried out without the sequence listing [R13ter.1(d), R13ter.2].

(2) Detailed procedure

a. International search stage

Where the international application satisfies all of the following requirements, the examiner may establish the ISA/225, and can invite the applicant to furnish the sequence listing.

- (i) The international application contains disclosure of sequence
- (ii) The sequence listing is not furnished ([→ § 5.5.1\(2\)](#))
- (iii) There are inventions for which meaningful search/examination cannot be conducted without the sequence listing

Where the international application satisfies all of the following requirements, the examiner may establish the ISA/225 and invite the applicant to furnish the sequence listing in text file format.

Attention

- Where the requirement (iii) is not satisfied (that is, meaningful search can be conducted) even though the above requirements (i) and (ii) are satisfied, the examiner shall not invite the applicant to furnish the sequence listing.
- Even when the examiner cannot conduct a meaningful search for the inventions

without the sequence listing, the examiner shall not exclude them from the international search ([→ § 4.1.3](#)) without inviting the applicant to furnish the sequence listing.

Where the examiner determines that it is necessary to invite to furnish the sequence listing, the ISA/225 is established and transmitted to the applicant. The ISA/225 shall be established by the time limit for the intermediate invitations shown in the schedule table of the international search ([→ § 2.3.1](#)) in principle.

The work after transmittal of the ISA/225

After transmittal of the ISA/225, the examiner manages the time limit for response against the ISA/225 and proceeds with the work in the international search stage on the basis of whether or not the response is made against the ISA/225.

(a) Where response was made against the ISA/225

Where the sequence listing recorded in the magnetic disc is furnished against the ISA/225, the sequence listing corresponds to the “sequence listing not forming part of the international application”.

Notes

Where the international search is carried out on the basis of the furnished sequence listing, check box b. “furnished subsequent to the international filing date for the purposes of international search” in item 1 of Box No.1 of the ISR and in item 3 of Box No.1 of WO/ISA.

If a statement is furnished, check box "accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.

(b) Where response was not made against the ISA/225

Where the response was not made against the ISA/225 and the sequence listing was not furnished, the examiner can exclude the invention from the international search for which a meaningful search cannot be conducted without the sequence listing ([→ § 4.1.3](#)).

b. International preliminary examination stage

The work with regard to the sequence listing in the international preliminary

examination stage is handled in the same manner as that in the international search stage shown in a., including invitation for the applicant to furnish the sequence listing (transmittal of IPEA/441).

However, where the sequence listing satisfying the predetermined standard was furnished in the international search stage, the sequence listing shall not invited to be furnished in the international preliminary examination stage [S610(f)].

Since the sequence listing required for a meaningful examination in the international preliminary examination stage is usually furnished at the international search stage, it is unusual to be necessary for transmittal of the IPEA/441.

(3) Instructions for Preparation of ISA/225

State the name and address of the agent etc. (head agent where there are several agents) set forth in Box No. IV of the request.
Where there is no description in Box No. IV, state the name and address of the head applicant set forth in Box No. II of the request.

State the bibliographic items set forth in the request. State the name of the head applicant where there are several applicants.
Designate one month from the date of mailing as the reply due.

Check this box where the "sequence listing forming part of the international application" was not furnished as of filing and a sequence listing is invited to be furnished for the sequence disclosed in the description.

Check this box where the "sequence listing forming part of the international application" was furnished as of filing, but the language of the free text is not the one acceptable for the International Searching Authority, and a sequence listing translated the free text into the language acceptable for the International Searching Authority is invited to be furnished.

Do not check the box in which "X" is set.

Employ this box where other statements are required.
Example:
In cases where the examiner identifies what sequence or sequence listing described in the description is invited to be furnished

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

INVITATION TO FURNISH NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING AND TO PAY, WHERE APPLICABLE, LATE FURNISHING FEE

(PCT Rule 13ter.1(a) to (d) and Administrative Instructions, Section 208 and Annex C)

Date of mailing (day/month/year)

Applicant's or agent's file reference

REPLY DUE within 1 month from the above date of mailing

International application No. PCT/

International filing date (day/month/year)

Applicant

1. The applicant is hereby invited, within the time limit indicated above, to furnish to this Authority:

☐ a sequence listing (WIPO Standard ST.26 XML file) under Rule 13ter.1(a), accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.

☐ a statement to the effect that the sequence listing furnished under Rule 13ter.1(a) does not go beyond the disclosure in the international application as filed.

☐ a complete sequence listing containing a translation of the language-dependent free text into the (or one of the) following language(s) accepted by this Authority (this translation may replace or supplement the original text):

2. The applicant is hereby invited, within the time limit indicated above, to pay to this Authority:

☒ a late furnishing fee in the amount of _____ yen.

3. Failure to comply with this invitation may result in this Authority only carrying out the international search to the extent that a meaningful search can be carried out without the sequence listing.

4. Further observations (if necessary):

Name and mailing address of the ISA/
Japan Patent Office

Authorized officer

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915,
Japan

Commissioner of the Patent Office

Telephone No. +81-3-3592-1308

Form PCT/ISA/225 (July 2022)

Indicate art unit code and examiner's code. "Commissioner of the Patent Office" shall be described in the field "Authorized officer".

(4) Instructions for Preparation of IPEA/441

State the name and address of the agent etc. (head agent where there are several agents) set forth in Box No. III of the demand for the international preliminary examination. Where there is no description in Box No. III, state the name and address of the head applicant set forth in Box No. II of the demand for the international preliminary examination.

State the bibliographic items set forth in the demand for the international preliminary examination. State the name of the head applicant where there are several applicants. Designate one month from the date of mailing as the reply due.

Check this box where the "sequence listing forming part of the international application" was not furnished as of filing and a sequence listing is invited to be furnished for the sequence disclosed in the description.

Check this box where the "sequence listing forming part of the international application" was furnished as of filing, but the language of the free text is not the one acceptable for the International Preliminary Examining Authority, and a sequence listing translated the free text into the language acceptable for the International Preliminary Examining Authority is invited to be furnished.

Do not check the box in which "X" is set.

Employ this box where other statements are required.
Example:
In cases where the examiner identifies what sequence or sequence listing described in the description is invited to be furnished

PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: _____

INVITATION TO FURNISH NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING AND TO PAY, WHERE APPLICABLE, LATE FURNISHING FEE
(PCT Rule 13ter.2 and Administrative Instructions, Section 208 and Annex C)

Date of mailing (day/month/year) _____

Applicant's or agent's file reference	REPLY DUE within 1 month from the above date of mailing
International application No. PCT/	International filing date (day/month/year)
Applicant	

1. The applicant is hereby invited, within the time limit indicated above, to furnish to this Authority:

- ☐ a sequence listing (WIPO Standard ST.26 XML file) under Rule 13ter.2, accompanied by a statement to the effect that the international application as filed.
- ☐ a statement to the effect that the sequence listing furnished under Rule 13ter.2 does not go beyond the disclosure in the international application as filed.
- ☐ a complete sequence listing containing a translation of the language-dependent free text into the (or one of the) following language(s) accepted by this Authority (this translation may replace or supplement the original text): _____

2. The applicant is hereby invited, within the time limit indicated above, to pay to this Authority:
a late furnishing fee in the amount of _____ yen.

3. Failure to comply with this invitation may result in this Authority only carrying out the international preliminary examination to the extent that a meaningful examination can be carried out without the sequence listing.

4. Further observations (if necessary): _____

Name and mailing address of the IPEA/ Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan Telephone No. +81-3-3592-1308 Form PCT/IPEA/441 (July 2022)	Authorized officer _____ Commissioner of the Patent Office
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Indicate art unit code and examiner's code. "Commissioner of the Patent Office" shall be described in the field "Authorized officer".

5.5.3 Description with Regard to the Sequence Listing in the ISR etc.

(1) Overview of related treaties, rules, guidelines, and others

Where the international application contains disclosure of sequence, the sequence listing on which the international search or the international preliminary examination is based shall be indicated in the ISR, WO/ISA, WO/IPEA and IPER [S513(b), S610(a), GL16.26, GL17.21].

(2) Detailed procedure

Where the international application contains disclosure of sequence, the sequence listing on which the international search or the international preliminary examination is based shall be indicated by the examiner in predetermined box of each document as below.

- International search stage
 - ISR: Box No. I ([→ § 2.8 \(2\)](#))
 - WO/ISA: Box No. I ([→ § 2.9 \(2\)](#))
- International preliminary examination stage
 - WO/IPEA: Box No. I and Supplementary Box Relating to Sequence Listing ([→ § 3.9 \(10\)](#))
 - IPER: Box No. I and Supplementary Box Relating to Sequence Listing ([→ § 3.10 \(10\)](#))

Notes

Amendments under Article 34 for sequence listing

The following are handling for the case where the amendments under Article 34 for the “sequence listing forming part of the international application” is made.

(a) Sequence listing on which international preliminary examination is based

Where the international preliminary examination is conducted based on the “sequence listing forming part of the international application” for which the amendments under Article 34 were made, check box “furnished to this Authority as an amendment under PCT Article 34 on ____”, (underlined the date of receipt of the amendment under Article 34 be listed) in “Supplemental Box Relating to Sequence Listing” in the WO/IPEA or IPER.

(b) Attachment of “sequence listing forming part of the international application” to IPER

Cover sheet of the IPER is described as below.

- 3.a.: The sequence listing shall not be counted as the total number of sheets of the Annexes.
- 3.b.: Check the box.

Comments

Where amendments etc.¹ are made for the “sequence listing forming part of the international application” furnished to the JPO, the amendments etc.² attaching the magnetic disc that records the amended sequence listing is required to be furnished [MO Article 50ter (3) and (5)]. In this case, the written document is not required to be furnished stating the amended sequence listing (replacement sheet). Also, in this case, the sequence listing recorded in the magnetic disc corresponds to the “sequence listing forming part of the international application” and the statement is not required to be furnished.

¹ It means amendments under Article 34 [A34(2)(b)], rectifications of obvious mistakes [R91] or corrections [R26].

² It means the request for rectification where rectifying obvious mistakes [R91].

5.6 Declaration of non-establishment of ISR (ISA/203)

(1) Overview of related treaties, rules, guidelines, and others

Where it is determined that the entire of claims are excluded from the international search, the ISA shall establish the “Declaration of non-establishment of ISR” (ISA/203), and notify the applicant and the IB of not establishing the ISR [A17(2)(a), GL9.40].

The expiration date of establishing period for the ISA/203 is the same as that for the ISR ([→ § 2.1.2 \(3\) c.](#)) [R42.1].

(2) Detailed procedure

Where it is determined that the entire of claims are excluded as a result of consideration of the exclusion from the international search ([→ § 2.3.5](#)), the examiner shall prepare the ISA/203 in place of the ISR.

Attention

The following documents shall be prepared in addition to the ISA/203 even where the ISA/203 is established in place of the ISR [R43*bis*.1(a)].

- WO/ISA:
The check box “the entire international application” shall be selected in Box No. III, and specific grounds for the exclusion shall be stated ([→ § 2.9 \(4\)](#)).
- Notification of Transmittal of the ISR, Etc. (ISA/220):
Check item 2 ([→ § 2.10](#)).

(3) Instruction for preparation of ISA/203

The relevant boxes shall be selected according to the grounds for the exclusion as below.

- Subject matter for which search is not required (→ § 4.1.1):
→ Check the box of item 1.
(Further, the relevant boxes shall be selected in the boxes item a. to m.)
- Inventions for Which a Meaningful search cannot be conducted as a result of violation of requirements for the description, claims or drawings (→ § 4.1.2):
→ Check the box of item 2.
(Further, the relevant boxes shall be selected)
- Inventions for which a meaningful search cannot be conducted as a sequence listing was unavailable (→ § 4.1.3):
→ Check the box of item 3.

Do not check the box in which "X" is set in the right figure.

Specific grounds shall be described in determining that the entirety of the claims corresponds to subjects to be excluded.

PATENT COOPERATION TREATY	
PCT	
DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT	
(PCT Article 17(2)(a), Rules 13ter.1(c) and (d) and 39)	
Applicant's or agent's file reference EN00000001	IMPORTANT DECLARATION
International application No. PCT/JP2023/200022	Date of mailing (day/month/year)
International filing date (day/month/year) 20 September 2023	(Earliest) Priority Date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC A01B 33/00(2006.01); FI: A01B33/00	
Applicant KIKANGYOUUMU, Inc	
This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.	
<p><input type="checkbox"/> The subject matter of the international application relates to:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> scientific theories b. <input type="checkbox"/> mathematical theories c. <input checked="" type="checkbox"/> plant varieties d. <input checked="" type="checkbox"/> animal varieties e. <input checked="" type="checkbox"/> essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes f. <input type="checkbox"/> schemes, rules or methods of doing business g. <input type="checkbox"/> schemes, rules or methods of performing purely mental acts h. <input type="checkbox"/> schemes, rules or methods of playing games i. <input checked="" type="checkbox"/> methods for treatment of the human body by surgery or therapy j. <input checked="" type="checkbox"/> methods for treatment of the animal body by surgery or therapy k. <input checked="" type="checkbox"/> diagnostic methods practised on the human or animal body l. <input type="checkbox"/> mere presentations of information m. <input checked="" type="checkbox"/> computer programs for which this International Searching Authority is not equipped to search prior art <p>2. <input type="checkbox"/> The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:</p> <p><input type="checkbox"/> the description <input type="checkbox"/> the claims <input type="checkbox"/> the drawings</p> <p>3. <input type="checkbox"/> A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:</p> <p><input type="checkbox"/> furnish a sequence listing complying with WIPO Standard ST.26, and such listing was not available to the International Searching Authority in a form, language and manner acceptable to it.</p> <p><input checked="" type="checkbox"/> pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a).</p> <p>4. Further comments:</p>	
<p>Name and mailing address of the ISA/JP</p> <p>Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan</p>	
<p>Authorized officer</p> <p>2B 3504</p> <p>Telephone No. +81-3-3581-1101 Ext. 3237</p>	

Form PCT/ISA/203 (July 2022)

5.7 Notification on Expressions, etc., not to be used (ISA/218)

(1) Overview of related treaties, rules, guidelines, and others

Where the international application contains expressions, drawings or statements no to be used (hereinafter, referred to as “expressions, etc., not to be used”), the ISA or the RO may suggest to the applicant that he voluntarily correct his international application accordingly¹ [R9.2].

The ISA, by using Form PCT/ISA/218), establishes “Notification concerning expressions, etc. not to be used in international application” (ISA/218) and transmits it to the applicant, and notify the RO and the IB [GL15.35] where the above suggestion is made.

(2) Detailed procedure

The examiner shall establish the ISA/218 where it is determined that the “expressions, etc. not to be used” are used in the international application ([→ § 2.4.3](#)).

Attention

- It is desirable to establish the ISA/218 by the deadline for the intermediate invitations shown in the schedule table, but it is allowed to establish the ISA/218 after the deadline expires.
- The examiner shall establish the ISA/218 as soon as possible where pointing out that the “expressions, etc. not to be used” are used in the international application after the deadline expires.

¹ The IB may omit the expressions, etc. not to be used from the international publication even where the applicant does not correct voluntarily [A21(6)].

(3) Instruction for preparation of ISA/218

PATENT COOPERATION TREATY						
From the INTERNATIONAL SEARCHING AUTHORITY						
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	PCT NOTIFICATION CONCERNING EXPRESSIONS, ETC., NOT TO BE USED IN THE INTERNATIONAL APPLICATION (PCT Rule 9)					
Date of mailing (day/month/year)						
Applicant's or agent's file reference 3678H	REPLY DUE within 1 month from the above date of mailing					
International application No. PCT/JP2015/999999	International filing date (day/month/year) 25.02.2015					
Applicant PATENT CORPORATION						
The applicant is hereby notified that the international application lacks compliance with Rule 9.1 because it contains:						
<table border="1"><tr><td>1. <input type="checkbox"/> expressions or drawings contrary to morality. See page(s) _____ line(s) _____ figure(s) _____</td></tr><tr><td>2. <input type="checkbox"/> expressions or drawings contrary to public order. See page(s) _____ line(s) _____ figure(s) _____</td></tr><tr><td>3. <input type="checkbox"/> statements disparaging the products or processes of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____</td></tr><tr><td>4. <input type="checkbox"/> statements disparaging the merits or validity of applications or patents of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____</td></tr><tr><td>5. <input checked="" type="checkbox"/> statements or matter obviously irrelevant or unnecessary under the circumstances. See page(s) _____ line(s) _____ figure(s) _____</td></tr></table>		1. <input type="checkbox"/> expressions or drawings contrary to morality. See page(s) _____ line(s) _____ figure(s) _____	2. <input type="checkbox"/> expressions or drawings contrary to public order. See page(s) _____ line(s) _____ figure(s) _____	3. <input type="checkbox"/> statements disparaging the products or processes of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____	4. <input type="checkbox"/> statements disparaging the merits or validity of applications or patents of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____	5. <input checked="" type="checkbox"/> statements or matter obviously irrelevant or unnecessary under the circumstances. See page(s) _____ line(s) _____ figure(s) _____
1. <input type="checkbox"/> expressions or drawings contrary to morality. See page(s) _____ line(s) _____ figure(s) _____						
2. <input type="checkbox"/> expressions or drawings contrary to public order. See page(s) _____ line(s) _____ figure(s) _____						
3. <input type="checkbox"/> statements disparaging the products or processes of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____						
4. <input type="checkbox"/> statements disparaging the merits or validity of applications or patents of any particular person other than the applicant. See page(s) _____ line(s) _____ figure(s) _____						
5. <input checked="" type="checkbox"/> statements or matter obviously irrelevant or unnecessary under the circumstances. See page(s) _____ line(s) _____ figure(s) _____						
Further observations, if necessary: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>						
Invitation to correct: The applicant is hereby invited, within the time limit indicated above, to voluntarily correct the international application.						
How to make the corrections? Corrections must be submitted to this International Searching Authority. The applicant must file a replacement sheet embodying the correction and a letter accompanying the replacement sheet, which shall draw attention to the difference between the replaced sheet and the replacement sheet. A correction may be stated in a letter only if it is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and direct reproducibility of the sheet onto which the correction is to be transferred (Rule 26.4).						
If the applicant fails to make the corrections, the International Bureau may omit the above-noted expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnish, upon request, individual copies of the passages omitted (see Article 21(6)).						
A copy of this notification has been sent to the International Bureau and to the receiving Office.						
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 Ext. ****					

Form PCT/ISA/218 (July 2016)

One month is specified for the response period from the mailing date.

The relevant boxes shall be selected. Also, the positions shall be identified where the expressions, etc. not to be used are stated.

The box in which "x" is set in the drawings on the right shall not be selected.

The grounds shall be described in specifically in determining that the expressions correspond to the "expressions, etc. not to be used".

Where this field is not spacious enough for description, an annex shall be added for description. In this case, "See annex", "Continued on annex" or the like shall be described and it shall be clarified that the continuation is described on the annex.

5.8 Modification of Abstract after Mailing of ISR (ISA/205)

(1) Overview of related treaties, rules, guidelines, and others

The applicant may, until the expiration of one month from the date of mailing of the international search report, submit either of the following to the International Searching Authority [R38.3].

- (i) Where the ISA has approved the abstract submitted by the applicant in the ISR:

Proposed modification of the abstract approved by the ISA

- (ii) Where the ISA has established the abstract in the ISR:

Proposed modifications of, or comments on, that abstract, or both modifications and comments

The ISA shall decide whether to modify the abstract accordingly and inform the applicant and the IB the result of the decision [R38.3, S515].

(2) Detailed procedure

a. Consideration for modification of abstract

Where the applicant has proposed modification for the abstract after the mailing of the ISR¹, the examiner shall consider the modification of abstract promptly. The examiner shall employ the proposed modification unless recognizing the proposed modification does not comply with “Provisions on Abstract” ([→ § 2.7.2 \(2\) a.](#))². Even if recognizing the proposed modification does not comply with the provisions, the examiner should preferably employ the proposed to which partial change is added.

The examiner does not need to consider strictly whether or not the proposed modification complies with the provisions. While considering above, the examiner esteems the modification proposed by the applicant, whenever possible.

¹ The proposed modification for abstract shall be submitted normally in the “Comment” [MO Article 47(4)]. It should be noted that the proposed modification for the full text of abstract is not necessarily presented (Example: Argument for replacing “A” with “B”).

² The modification proposed by the applicant shall be considered despite of whether the abstract approved or established by the examiner in the ISR complies with the provisions.

b. Preparation of ISA/205

The examiner shall, by using Form PCT/ISA/205, establish the “Notification of modification for abstract approved by International Search Authority” (ISA/205) and notify the decision whether to modify the abstract. It should be noted that the ISA/205 is required to be established even where the proposed modification is not employed.

Although the PCT Regulations does not provide the deadline for establishment of the ISA/205, the examiner shall establish the ISA/205 promptly such as the modification for abstract in time for the international publication^{1, 2}.

¹ The international publication shall be made promptly after the expiration of 18 months from the priority date of that application in principle ([→ § 1.11.1](#)).

² Where the modification for abstract is not in time for the international publication, the revised cover sheet (kind-of-document code: A8) shall be republished in which the modified abstract is stated ([→ § 1.11.3](#)).

(3) Instructions for preparation of ISA/205

This box shall be selected where the proposed modification is not employed.

In this case, the grounds for not employing the proposed modification shall be described in the lower part of this page or the annex.
Double crossed lines shall be drawn on unnecessary one of either "below/in the Annex"
(Example: "~~below/in the Annex~~").

This box shall be selected where the proposed modification is employed (including the case in which partial change is added).

In this case, the modified abstract (full text) shall be described in the lower part of this page or the annex.
Double crossed lines shall be drawn on unnecessary one of either "below/in the Annex"
(Example: "~~below/in the Annex~~").

Where the annex is not employed, it shall be deleted and not included in the ISA/205

PATENT COOPERATION TREATY	
From the INTERNATIONAL SEARCHING AUTHORITY	
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan	
PCT NOTIFICATION OF MODIFICATION OF ABSTRACT APPROVED BY INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 38.3 and Administrative Instructions, Section 515)	
Date of mailing (day/month/year)	
Applicant's or agent's file reference 5678H	INFORMATION ONLY
International application No. PCT/JP2015/999999	International filing date (day/month/year) 25.02.2015
Applicant PATENT CORPORATION	
The applicant is hereby notified that this International Searching Authority has considered the comments received from the applicant on the abstract and has decided that:	
<input type="checkbox"/> the text of the abstract remains as previously established or approved by this Authority (Form PCT/ISA/210) for the reasons indicated below/in the Annex .	
<input type="checkbox"/> the text of the abstract is changed in view of the applicant's comments and it now reads as indicated below/in the Annex .	
<div style="border: 1px solid black; padding: 10px;"> The followings shall be described in this part. They may be described in the annex in place of this part. <ul style="list-style-type: none"> • Where proposed modification is not employed: Detailed grounds for that • Where proposed modification is employed: Modified abstract (full text) (Where the proposed modification to which partial change is added is employed, the detailed grounds for that shall be contained.) </div>	
A copy of this Notification (and Annex, if any) has been sent to the International Bureau.	
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer SHINSAKI, Jun Telephone No. +81-3-3581-1101 Ext. ***
Form PCT/ISA/ 205 (January 2009)	

5.9 Invitation to Furnish Translation of Priority Document (IPEA/414)

(1) Overview of related treaties, rules, guidelines, and others

If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the IPEA, the IPEA may, where the validity of the priority claim is relevant for the formulation of the opinion on novelty or inventive step, invite the applicant to furnish a translation in the said language or one of the said languages within two months from the date of the invitation. If the translation is not furnished within that time limit, the IPER may be established as if the priority had not been claimed [R66.7(b)].

(2) Detailed procedure

Where the examiner needs to consider the priority claim at the international preliminary examination stage ([→ § 3.8 \(3\) a.](#)) and the earlier application based on which priority is claimed is filed in a language other than Japanese or English, the examiner may invite the applicant to furnish a Japanese or English translation within two months [R66.7(b), MO Article 64].

However, the examiner shall not invite the applicant to furnish the translation in any of the following cases.

- Where the priority claim can be considered without inviting the applicant to furnish the translation
- Where it is difficult to establish the IPER by the time limit shown in the schedule table of the international preliminary examination ([→ § 3.3.1](#)) considering the reply due of the applicant (two months).

Where inviting to furnish the translation, the examiner establishes the “Invitation to furnish translation of priority document” (IPEA/414) using Form PCT/IPEA/414.

a. Language of translation invited to be furnished

The language of translation invited to be furnished is determined based on the

language of the international application as below.¹.

- Where the language of the international application is Japanese, the Japanese translation is invited to be furnished.
- Where the language of the international application is English, the English translation is invited to be furnished.

b. Points of attention after notification of IPEA/414

- Where the IPEA/414 is notified, the IPER shall not be established until the expiration of the reply due (two months) or the translation is furnished. However, the WO/IPEA may be established before the expiration of the reply due.
- Where the WO/IPEA is established before the expiration of the reply due, the examiner establishes the WO/IPEA supposing that the effect of priority claim is recognized without substantive determination on the effect of priority claim [GL6.17, GL17.29(d)]. Where supposing that the effect of the priority claim is recognized, that effect is pointed out in item 3 of Box No. II of the WO/IPEA ([→ § 3.9 \(3\)](#)).
- Where the translation of the earlier application is not furnished even after the expiration of the reply due, the examiner may establish the WO/IPEA or the IPER as if the priority had not been claimed [R66.7(b)]. Where the priority is regarded not to be claimed, that effect is pointed out in item 1 of Box No. II of the WO/IPEA or IPER ([→ § 3.9 \(3\)](#), [§ 3.10 \(3\)](#)).

¹ Where the language of the international application is neither of Japanese nor English, the language of translation invited to be furnished is determined based on the language of translation of the international application ([→ § 1.5.5](#)).

(3) Instructions for Preparation of IPEA/414

PATENT COOPERATION TREATY		
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan		
PCT INVITATION TO FURNISH TRANSLATION OF PRIORITY DOCUMENT (PCT Rule 66.7(b))		
Date of mailing (day/month/year)		
Applicant's document's file reference 5678H	REPLY DUE within 2 months from the above date of mailing	
International application no. PCT/JP2013/888888	International filing date (day/month/year) 20.12.20	
Applicant PATENT CORPORATION		
This International Preliminary Examining Authority hereby invites the applicant to furnish to it, within the time limit indicated above, a translation into the following language: English		
of the following earlier application(s) whose priority is claimed in the international application.		
Failure to furnish the requested translation within that time limit may result in the international preliminary examination report being established as if the priority(ies) had not been claimed.		
<u>Country</u> IB	<u>Priority date</u> 20.12.2012	<u>Priority number</u> PCT/IB2012/99 9999
State "Country", "Priority date" and "Priority number" (Application number) of the earlier application for which translation is invited to be furnished.		
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan		Authorized officer Commissioner of the Patent Office Telephone No. +81-3-3581-1101 Ext. ***

Form PCT/IPEA/414 (July 1992)

5.10 Extension of Time Limit for Replying to the WO/IPEA (IPEA/427)

(1) Overview of related treaties, rules, guidelines, and others

The time limit for replying to the WO/IPEA may be extended if the applicant so requests before its expiration [R66.2(e)]¹.

(2) Detailed procedure

If the applicant requests an extension of time limit for replying to the WO/IPEA before its expiration, the examiner determines whether the request can be approved as soon as possible, and notifies the applicant of the determination results.

Specifically, the examiner works as described below.

a. Request for extension from applicant

The applicant can submit a “Request for Extension of Period” in case of requesting an extension of time limit for replying to the WO/IPEA. In addition, the applicant can request an extension by means of informal communication ([→ § 5.3.2](#)) such as telephone or interview, etc.

In case of the request by any means, the examiner determines whether the extension is approved based on the “Determination on approval of extension” ([→ b.](#)).

b. Determination on approval of extension

The examiner approves the extension of time limit requested by the applicant in the following range according to the schedule of the international preliminary examination, provided, however, that the extension approved shall be within two months.

- If it is more than 3 months before the deadline, the period of extension shall be 1 or 2 month(s).
- If it is not less than 2 month but not more than 3 months before the deadline, the period of extension shall be 1 month.
- If it is less than 2 months before the deadline, the examiner shall not approve the extension of time limit.

¹ This provision is not applicable to the WO/ISA [R43bis.1(b)].

- Even if the request for extension is made multiple times, the period of extension approved shall be within two months, on aggregate.

c. Preparation of “Communication regarding Extension of Time Limit”

Regardless of whether the extension is approved, the examiner prepares the “Communication regarding extension of time limit” (IPEA/427) by using the form PCT/IPEA/427.

In this regard, if the extension is requested by means of informal communication such as telephone or interview, etc., the examiner prepares the IPEA/428 (Note on informal communication with the applicant), together with the IPEA/427.
[→ § 5.3.2 \(2\) b. \(c\)](#)

(3) Instructions for Preparation of IPEA/427

PATENT COOPERATION TREATY			
<p>From the INTERNATIONALPRELIMINARYEXAMININGAUTHORITY</p> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan</p> </div> <div style="text-align: right; padding-right: 50px;"> <p>PCT COMMUNICATION REGARDING EXTENSIONOFTIMELIMIT (PCTRule60.1(a)and66.2(d))</p> </div>			
<p>Date of mailing (day/month/year)</p>	<p>IMPORTANT COMMUNICATION</p>		
<p>Applicant's or agent's file reference 5678H</p>	<p>International filing date (day/month/year) 20.12.2013</p>		
<p>International application No. PCT/JP2013/888888</p>			
<p>Applicant PATENT CORPORATION</p>			
<div style="border: 1px solid black; padding: 10px; margin: 5px;"> <p>1. In response to the applicant's request of _____, the time limit for replying to:</p> <div style="margin-left: 20px;"> <p><input type="checkbox"/> the _____ written opinion</p> <p><input checked="" type="checkbox"/> (other) _____</p> </div> <p>has been extended as follow:</p> <div style="margin-left: 20px;"> <p><input type="checkbox"/> extension of _____ from _____</p> <p><input checked="" type="checkbox"/> extension until _____</p> </div> </div>			
<p>2. <input type="checkbox"/> No extension of the time limit is granted and the time limit remains as previously set.</p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;"> <p>Name and mailing address of the IPEA/JP</p> <p style="text-align: center;">Japan Patent Office</p> <p>3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan</p> </td> <td style="width: 40%; padding: 5px;"> <p>Authorized officer</p> <p>SHINSAKI, Jun</p> <p>Telephone No. +81-3-3581-1101 Ext. * * * *</p> </td> </tr> </table>		<p>Name and mailing address of the IPEA/JP</p> <p style="text-align: center;">Japan Patent Office</p> <p>3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan</p>	<p>Authorized officer</p> <p>SHINSAKI, Jun</p> <p>Telephone No. +81-3-3581-1101 Ext. * * * *</p>
<p>Name and mailing address of the IPEA/JP</p> <p style="text-align: center;">Japan Patent Office</p> <p>3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan</p>	<p>Authorized officer</p> <p>SHINSAKI, Jun</p> <p>Telephone No. +81-3-3581-1101 Ext. * * * *</p>		

Check boxes and state following matters where the examiner approves request for extension.

- The date of request for extension
- How many times written opinion has been issued (enter the number of two or more) (*1)
- The period of an extension approved (one month or two months)
- The expiration date of the time limit for replying before the extension (*2)

→

Check this box where the examiner does not approve request for extension.

→

*1 In cases where the international preliminary examination is demanded, the WO/ISA is treated as the first WO/IPEA in the JPO (→ § 1.12.3). Therefore, the WO/IPEA prepared at the first round in the international preliminary examination stage, for example, becomes second WO/IPEA.

*2 Usually, state the date from two months after the date of mailing of an immediate WO/IPEA (state the next work day of the JPO, in cases where above date falls under the non-work day of the JPO).

5.11 Communication Regarding Amendments not Taken into Account (IPEA/432)

(1) Overview of related treaties, rules, guidelines, and others

Amendments need not be taken into account by the IPEA for the purposes of the WO/IPEA or IPER if they are received by the IPEA after it has begun to draw up the WO/IPEA or IPER. [R66.4bis].

If not considering the amendments, IPEA notifies the applicant of this fact [GL22.58(iii)].

(2) Detailed procedure

In cases¹ where amendments under Article 34 submitted by the applicant are not taken into account by the examiner ([→ § 3.3.4 \(1\) b. \(b\)](#)), the examiner prepares “Communication regarding amendments not taken into account” (IPEA/432) by using Form PCT/IPEA/432.

Attention

- In cases where the examiner has received the amendments after the beginning of preparing the WO/ IPEA or IPER before the completion of its preparation but does not consider them, the examiner prepares the IPEA/432, together with the WO/IPEA or IPER. In the WO/IPEA or IPER, it is not necessary to indicate the matter to the effect that the amendments have not been considered.
- In cases where the examiner has received the amendments immediately after the completion of preparing the WO/IPEA or IPER, the examiner prepares the IPEA/432 as soon as possible.
- In cases where the examiner does not consider the amendments at the time of preparing the WO/IPEA, the examiner is required to consider the amendments at the next round in the international preliminary examination stage.

¹ Unless no excessive load is burdened on the examiner, the amendments should be taken into account as far as possible. [→ § 3.3.4 \(1\) b.](#)

(3) Instructions for Preparation of IPEA/432

PATENT COOPERATION TREATY			
From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY			
To: DAIRI, Nin 9-8-7, Anytown, Chiyoda-ku, Tokyo 100-9999, Japan		PCT COMMUNICATION REGARDING AMENDMENTS NOT TAKEN INTO ACCOUNT (PCT Rule 66.4bis)	
Applicant's or agent's file reference 5678H		Date of mailing (day/month/year)	
International application No. PCT/JP2013/888888		<div style="text-align: center;">INFORMATION ONLY</div> International filing date (day/month/year) Priority date (day/month/year) 20.12.2013 20.12.2012	
Applicant PATENT CORPORATION			
The applicant is hereby informed that the amendments under Article 34 submitted with the letter of: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <input type="checkbox"/> to draw up the _____ written opinion. if he so wishes, the applicant may submit these amendments again in response to that written opinion. </div> <input type="checkbox"/> to establish the international preliminary examination report. There is no opportunity for the applicant during the international phase to submit amendments in response to the international preliminary examination report. However, the applicant is entitled to submit amendments before each elected Office upon entry into the national phase (Article 41 and Rule 78).			
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan		Authorized officer SHINSAKI, Jun Telephone No. +81-3-3581-1101 Ext. ***	

Form PCT/IPEA/432 (July 1992)

* In cases where the international preliminary examination is demanded, the WO/ISA is treated as the first WO/IPEA in the JPO (→ § 1.12.3). Therefore, the WO/IPEA prepared at the first round in the international preliminary examination stage, for example, becomes second WO/IPEA.

5.12 Handling Where the International Preliminary Examination Is Demanded before or within Two Months from the Date of Transmittal of the ISR

(1) Overview of related treaties, rules, guidelines, and others

The IPEA shall start the international preliminary examination when it is in possession of all of the following [R69.1(a)]:

- The demand for the international preliminary examination
- The amount due (in full) for the handling fee and the preliminary examination fee
- ISR and WO/ISA

Here, depending on the request from the applicant, the IPEA is required to conform to the following all provisions a. to c. related to the start timing of the international preliminary examination.

<p>a. Cases where the applicant expressly demand a postponement of the international preliminary examination [R69.1(a)]</p>	<p>The IPEA shall not start the international preliminary examination before the deadline expires on the later of the following dates.</p> <ul style="list-style-type: none"> • Three months from the date of transmittal of the ISR and the WO/ISA • 22 months from the priority date
<p>b. Cases where the applicant desires that amendments under Article 19 are to be taken into account [R69.1(c)]</p>	<p>The IPEA shall not start the international preliminary examination before it has received a copy of the amendments under Article 19.</p>
<p>c. Case where there is an indication that amendments under Article 34 are submitted with the demand for the international preliminary examination but no such amendments are, in fact, submitted [R69.1(e)]</p>	<p>The IPEA shall not start the international preliminary examination before occurrence of any one of the followings:</p> <ul style="list-style-type: none"> • reception of the amendments under Article 34 by the IPEA; and • Expiration of the time limit fixed in the invitation by the IPEA to the applicant for submission of the amendments under Article 34 [60.1(g)].

Incidentally, in a case where the national Office that acts as the ISA also acts as the IPEA, the international preliminary examination may be started at the same time as the

international search¹, under a specific condition, if that national Office so wishes [R69.1(b)].

However, JPO does not use an option of wishing that the international preliminary examination starts at the same time as the international search.

(2) Detailed procedure

The examiner should pay attention to the following points where the international preliminary examination is demanded before or within two months from the date of transmittal of the ISR.

a. Where the international preliminary examination is demanded before the date of transmittal of the ISR

Even where the international preliminary examination is demanded before the transmittal of the ISR, the examiner shall not initiate the international preliminary examination work until transmittal of the WO/ISA and ISR. → [Comments 1](#)

In addition, even where the international preliminary examination is initiated simultaneously with or immediately after transmittal of the WO/ISA and ISR, the examiner, in principle, does not initiate establishment of the WO/IPEA or IPER within two months from transmittal of the WO/ISA and ISR. → [Comments 2](#)

Comments 1

Where the international preliminary examination is demanded before the transmittal of the ISR and all of the following requirements are satisfied, the international preliminary examination may, if the JPO so wishes, start at the same time as the international search. [R69.1(b)].

- IPEA receives the demand for the international preliminary examination [R69.1(a)(i)].
- IPEA receives full amount due for the handling fee and the preliminary examination fee [R69.1(a)(ii)].
- Applicant expressly demand an earlier start of the international preliminary examination

¹ However, this shall not apply to, if the applicant wishes that the start of the international preliminary examination is to be postponed [R69.1(d)], or there is an indication that amendments under Article 34 are submitted with the demand for the international preliminary examination [R69.1(e)].

[R69.1(a)].

- Applicant does not wish that the start of the international preliminary examination is to be postponed [R69.1(d)].
- Applicant does not indicate that amendments under Article 34 are submitted with the demand for the international preliminary examination, or indicates that but has submitted amendments already [R69.1(e)].

However, the JPO does not use an option of wishing that the international preliminary examination starts at the same time as the international search. Where all of the above requirements are satisfied, the JPO as the IPEA shall initiate the international preliminary examination simultaneously with transmittal of the WO/ISA and ISR [R69.1(a)].

b. Where the international preliminary examination is demanded within two months from the date of transmittal of the ISR

Even where the international preliminary examination is demanded within two months from transmittal of the ISR and the IPEA initiate the international preliminary examination, the examiner, in principle, does not initiate establishment of the WO/IPEA or IPER within two months from transmittal of the WO/ISA and ISR.

[→ Comments 2](#)

Comments 2

Where the IPEA initiates the international preliminary examination, the examiner may initiate the establishment of the WO/IPEA or IPER promptly in principle. However, in the case of a. or b. mentioned above, such handling may result in the applicant having difficulty in submitting the appropriate amendments and written reply, since the period from transmittal of the WO/ISA and ISR is not always sufficient. Therefore, in the JPO as the IPEA, the examiner does not initiate the establishment of the WO/IPEA or IPER within two months from transmittal of the WO/ISA and ISR, in consideration of the applicant's convenience.

However, where the examiner agrees with the applicant¹, the establishment of the WO/IPEA or IPER may be initiated within two months from the transmittal of the WO/ISA and ISR.

¹ In this case, the examiner establishes the IPEA/428 (Note on informal communication with the applicant). [→ § 5.3.2](#)

5.13 Correction and Incorporation by Reference

(1) Overview of related treaties, rules, guidelines, and others

a. Correction of missing parts, erroneously filed elements or erroneously filed parts

The applicant may furnish to the RO a written document to correct missing parts, erroneously filed elements or erroneously filed parts (hereinafter referred to as “correct missing part, etc.”) of the descriptions, claims or drawings within a prescribed period ([→ c.](#)).

If said document is furnished, the missing parts, etc. having been corrected shall be included in the international application, and the international filing date shall be corrected to the date on which the RO received said document [R20.5(c), R20.5bis(c)] (see Fig. 5-8).

Where the international filing date has been corrected, the applicant may, in a notice submitted to the RO within one month from the date of the notification, request that the missing part, etc. concerned be disregarded. Where the applicant has request that, the document which correct missing part, etc. shall be considered not to have been furnished and the correction of the international filing date shall be considered not to have been made [R20.5(e), R20.5bis(e)].

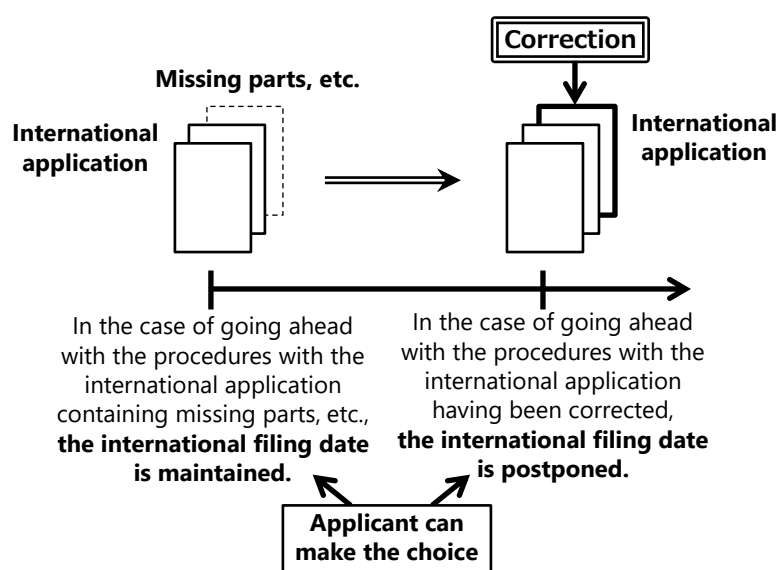


Fig. 5-8 Correction of missing parts, etc.

b. Incorporation by reference to missing parts, etc.

In the case where an international application claims priority based on a prior application, the applicant may submit to the RO a written notice confirming that missing part, etc. of said international application is incorporated by reference (included by reference to such prior application) [R4.18, R20.3(a)(ii), R20.5(a)(ii), R20.5bis(a)(ii), R20.6(a)]. Where the RO finds that the missing part, etc. is completely contained in the earlier application concerned, that missing part, etc. shall be considered to have been contained in the international application on the date on which it was first received by the RO [R20.6(b)].

If the applicant submits to the RO a written notice within a prescribed period ([→ c.](#)) to incorporate by reference the missing parts, etc. of the descriptions, claims or drawings, and if the RO acknowledges the incorporation, the international filing date which was first acknowledged shall be maintained [R20.5(d) , R20.5bis(d)] (see Fig. 5-9). On the other hand, if the RO does not acknowledge incorporation by reference, said incorporation by reference is treated as correction ([→ a.](#)) [R20.6(c)].

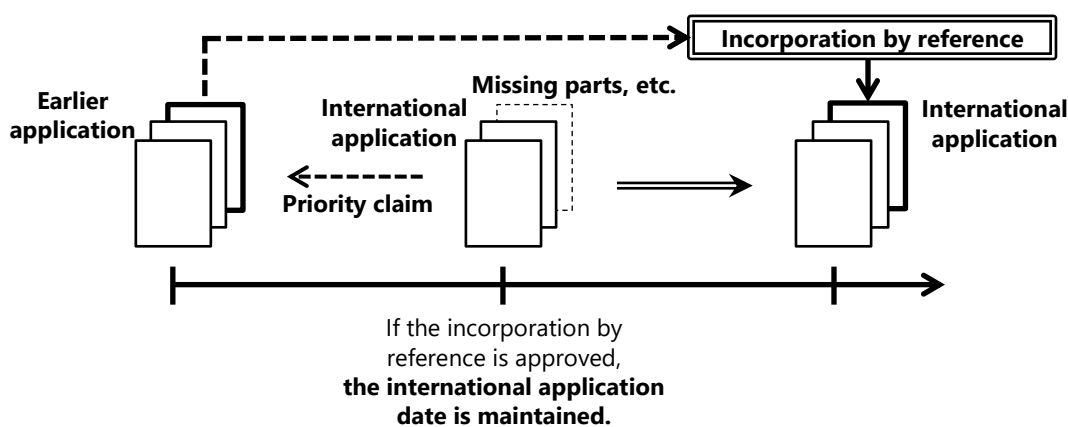


Fig. 5-9 Incorporation by reference to missing parts, etc.

c. The period during which correction or incorporation by reference is possible

The period during which correction or incorporation by reference is possible is as follows [R20.7(a)].

- Where the RO sent to the applicant the invitation to correct:
Two months from the date of the invitation
- Where the RO did not send the applicant the invitation to correct:

Two months from the date on which the international application was first received by the RO.

(2) Detailed procedure

If correction or incorporation by reference is made to the missing part, etc. after the ISA received a search copy of the international application ([→ § 2.1.2 \(1\)](#)), each sheet of the descriptions, claims or drawings having been submitted at a later time by correction or incorporation by reference, as well as the following documents¹ shall be transmitted by the RO to the ISA [S309(b)(v), (c)(v), S310(b)(v), S310bis(a)(ii), (b)(v)].

- In the case of correction:

Form PCT/RO/126 “Notification Concerning Later Submitted Parts of an International Application”

- In the case of incorporation by reference:

Form PCT/RO/114 “Notification on Decision of Confirmation of Incorporation by Reference of Element or Part”

If receiving any of the above sheet and documents, the examiner shall confirm the content of the description, etc. and correction of the international filing date priority claim, based on which the examiner shall perform the subsequent work². Specifically, it should be noted that the following matters may be changed if the international filing date has been corrected.

- Categories of cited documents ([→ § A.1](#))
- Relevant date for purposes of written opinion and IPER ([→ § 2.7.3 \(1\) c.](#), [§ 3.8 \(3\) b. \(a\)](#))

It should be noted that the period from the filing date of earlier application on which the priority claim based to postponed international filing date may proceed 14

¹ If correction or incorporation by reference is made prior to the transmission by the RO to the ISA of a copy of the search, the applicable documents shall not be transmitted by the RO to the ISA. Each sheet of the descriptions, etc. which are submitted at a later time by correction or incorporation by reference shall be attached to the copy of the search and transmitted to the ISA [S309(b)(vi), S309(c)(vi), S310(b)(vi), S310bis(a)(ii)].

² The examiner considers the necessity of modification of the ISR and the WO/ISA ([→ § 2.11 \(3\)](#)) if correction, etc. of the priority claim is made after mailing of the ISR and the WO/ISA. For example if the priority date has been changed, statements of the ISR and the WO/ISA need to be modified.

months because the international filing date is postponed by correction
(→ [§ 2.7.3 \(1\) b. \(a\) \(iii\)](#), [§ 5.14.2](#)).

Notes

Correction and incorporation by reference to the missing element missing part, erroneously filed element and erroneously filed part

In order for the RO to accord as the international filing date the date of receipt of the documents having been submitted as an international application, it is necessary for at least the following elements to be included at the time of said receipt [A11(1)(iii), R20.2(a)].

- (i) an indication that it is intended as an international application
- (ii) the designation of at least one Contracting State
- (iii) the name of the applicant
- (iv) a part which on the face of it appears to be a description
- (v) a part which on the face of it appears to be a claim or claims

If the RO finds that the international application did not fulfill the requirements listed above, it shall invite the applicant to file the required correction [A11(2)(a), R20.3(a)(i)].

If, however, either the “missing element” , “missing part”, “erroneously filed element” or “erroneously filed part” indicated in Table 5-3 exists, the RO shall request the applicant to select either correction or incorporation by reference to said missing element, missing part, erroneously filed element or erroneously filed part [R20.3(a), R20.5(a), R20.5bis(a)].

Table 5-3 Missing element, missing part,
erroneously filed element and erroneously filed part

	Type	International filing date in the case of correction	International filing date in the case of incorporation by reference
Missing element	Lack of “(iv) a part which on the face of it appears to be a description” (The entirety of the descriptions is missing.)	Accorded as the date on which the RO receives a correction [R20.3(b)(i)]	Accorded as the date on which the RO first receives the documents as the international application [R20.3(b)(ii)]
	Lack of “(v) a part which on the face of it appears to be a claim or claims (The entirety of the claims is missing.)		
Missing part	A part of the descriptions is missing	Corrected to the date on which a written document for correction is received from the date which is accorded first as the international filing date (the date on which the RO receives the international application containing the missing part) [R20.5(c)]	Accorded as the date on which the RO first receives the international application [R20.5(b)]
	A part of the claims is missing		
	The entirety or a part of the drawings is missing		
Erroneously filed element and part	Erroneous filing of “(iv) a part which on the face of it appears to be a description” (The entirety of the descriptions is erroneously filed.)	Corrected to the date on which a written document for correction is received from the date which is accorded first as the international filing date (the date on which the RO receives the international application containing the erroneously filed element or part) [R20.5bis(c)]	Accorded as the date on which the RO first receives the international application [R20.5bis(b)]
	A part of the descriptions is erroneously filed		
	Erroneous filing of “(v) a part which on the face of it appears to be a claim or claims (The entirety of the claims is erroneously filed.)		
	A part of the claims is erroneously filed		
	The entirety or a part of the drawings is erroneously filed		

In the case where the applicant selects incorporation by reference, if the RO finds that the incorporation by reference does not satisfy the requirements (e.g., the case where the missing element, missing part, erroneously filed element or erroneously filed part is not completely contained in the earlier application), said incorporation by reference is treated as correction [R20.6(c)].

In addition, a search copy of an international application is not transmitted to the ISA until the international filing date is accorded [R23.1(a), R22.1(a)]. Since the international filing date is

not accorded if there is a missing element, transmittal of the search copy to the ISA does not take place before the correction or incorporation by reference is made. As such, correction or incorporation by reference may take place after the ISA receives the search copy is that to the missing part, erroneously filed element or erroneously filed part.

Handling of sheets such as the application and the descriptions, etc. involved the correction or incorporation by reference

The receiving Office shall indelibly mark any sheet of the description, claims or drawings submitted at a later time by correction or incorporation by reference in the upper right-hand corner of each sheet, with the international application number and the date of actual receipt of that sheet S308bis].

In addition, as shown in Table 5-4 and Table 5-5, the RO correct, as needed, the “international filing date” in the request, and shall indelibly mark certain words in the middle of the bottom margin of the each sheet such as the descriptions, etc..

Table 5-4 Correction of “international filing date” in the request by the RO

Case	Contents of correction
Correction of the missing part, erroneously filed element or erroneously filed part	Correction of the international filing date (The RO draws a line through international filing date marked before the correction and marks the date on which it received the correction.) [S310bis(a), S310(b)(i), S309(c)(i)]
The applicant requested to disregard the missing part, erroneously filed element or erroneously filed part corrected	Recorrect the international filing date (The RO restores the international filing date before the correction) [S310bis(b)(i)]

Table 5-5 Marking in each sheet of the description, etc. by the RO

Case	Word marked in the middle of the bottom margin of each sheet
RO accorded the incorporation by reference of the missing element, missing part, erroneously filed element or erroneously filed part	“INCORPORATED BY REFERENCE (RULE 20.6)” or their equivalent in the language of publication of the international application [S309(b)(i)]
The applicant requested to disregard the missing part corrected	“NOT TO BE CONSIDERED (RULE 20.5(e))” or their equivalent in the language of publication of the international application [S310bis(b)(ii)]
The applicant requested to disregard the erroneously filed element or part corrected	“NOT TO BE CONSIDERED (RULE 20.5bis(e))” or their equivalent in the language of publication of the international application [S310bis(b)(ii)]

5.14 Identification Relating to Priority Claim

5.14.1 Identification of Correction, Etc. of the Priority Claim

(1) Overview of related treaties, rules, guidelines, and others

a. Correction, Addition or Withdrawal of Priority Claim

The applicant may correct, add or withdraw (hereinafter referred to as “correction, etc.”) the priority claim after filing an international application (see Table 5-6) [R26bis.1, R90bis.3]

Table 5-6 Correction, addition or withdrawal of priority claim

	Correction or Addition [R26bis.1]	Withdrawal [R90bis.3]
Where to submit	RO or IB	RO, IB or IPEA
Period for submission	<p>Within four months from international application date or within the time first expires either of the followings</p> <ul style="list-style-type: none"> • 16 months from the priority date before correction or addition • 16 months from the priority date after correction or addition 	<p>Until the expiration of 30 months from the priority date</p>

b. Computation of time limit in the case of a change in the priority date

If correction, etc. of the priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed as a rule¹ [R26bis.1(c), R90bis.3(d)].

(2) Detailed procedure

The RO or the IB transmits the following documents to the ISA if correction, etc. of the priority claims is made after the ISA has received the search copy of the international application (→ § 2.1.2 (1)) [S314(b), S326(b), S402(c), S415(a)].

- Form PCT/RO/111 “Notification Relating to Priority Claim”

¹ However, the IB may nevertheless proceed with the international publication on the basis of the time limit as computed from the original priority date if the notice of withdrawal sent by the applicant or transmitted by the RO or the IPEA reaches the IB after the completion of the technical preparations for international publication [R90bis.3(e)].

- Form PCT/RO/136 “Notification of Withdrawal”
- Form PCT/IB/318 “Notification Relating to Priority Claim”
- Form PCT/IB/317 “Notification of Withdrawal of Priority Claim”

If receiving any of the above documents, the examiner shall confirm the priority claim and priority date after correction, etc. has been made to the priority claim, based on which the examiner shall perform the subsequent work¹. Specifically, it should be noted that the following matters may be changed.

- Categories of cited documents ([→ § A.1](#))
- Relevant date for purposes of written opinion and IPER ([→ § 2.7.3 \(1\) c.](#), [§ 3.8 \(3\) b. \(a\)](#))

¹ The examiner considers the necessity of modification of the ISR and the WO/ISA ([→ § 2.11 \(3\)](#)) if correction, etc. of the priority claim is made after mailing of the ISR and the WO/ISA. For example if the priority date has been changed, statements of the ISR and the WO/ISA need to be modified.

5.14.2 Identification of the Period from Filing Date of Earlier Application to International Filing Date

(1) Overview of related treaties, rules, guidelines, and others

a. Relevant date for purposes of written opinion and IPER

Where the international application claims the priority of an earlier application and has an international filing date which is later than the date on which the period of twelve months from the filing date of the earlier application (hereinafter referred to as “the priority period” [R2.4(a)]) expired but within the period of two months from that date of the expiration of the priority period, the filing date of such earlier application is the relevant date for purposes of written opinion and IPER, unless the examiner considers that the effect of priority claim cannot be recognized for reasons other than the fact that the international application has an international filing date which is later than the date on which the priority period expired [R64.1(b)(iii), R43bis.1(b)].

→ Notes

On the other hand, where the international application has an international filing date beyond the period of two months from the expiration of the priority period, the effect of priority claim based on such earlier application cannot be recognized. Therefore, the international filing date is the relevant date for purposes of written opinion and IPER [R64.1(b)(i), R43bis.1(b)].

Notes

Restoration of right of priority

Where the international application has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the RO or the DO shall, on the request of the applicant, restore the right of priority if the RO or the DO finds that the reason for the failure to file the international application within the priority period satisfies a criterion of restoration applied by it [R26bis.3, R49ter.2].

Restoration of right of priority by the RO is effective only in national phase [R49ter.1]. On the other hand, the following provisions called “automatic retention of priority claim” as explained below are introduced in the international phase.

Automatic retention of priority claim

In the international phase, A priority claim shall not be considered void only because the international application has an international filing date which is later than the date on which the priority period expired, provided that the international filing date is within the period of two

months from that date irrespective of whether or not the request for restoration of the right of the priority is made, or whether or not of the right of the priority is restored [R26bis.2(c)(iii)]. In addition, unless there is a reason due to which the effect of priority claim cannot be recognized, the written opinion and the IPER are prepared by considering the filing date of the earlier application as the relevant date [R64.1(b)(iii)]

Because of the above provisions, the applicant's procedures in the international phase and the work of the RO and ISA and the like remain unaffected by whether the right of the priority is restored (and consequently whether the priority claim or priority date will be changed), and stability of the procedures and the like in the international phase are ensured.

b. Computation of time limit

PCT Rule 80 generally provides for the calculation of the period. The following provisions apply to the computation of the period of two months from the expiration date of the priority period

- When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month [R80.2].
- If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a closed date or the like of the Office or the organization, the period shall expire on the next subsequent day of the closed date of the Office or the organization [R80.5].

(2) Detailed procedure

Upon considering the priority claim ([→ § 2.7.3 \(1\) b.](#), [§ 3.8 \(3\) b.](#)), if the period from the filing date of an earlier application to the international filing date of the application concerned exceeds fourteen months([→ § 2.7.3 \(1\) b. \(a\) \(iii\)](#)), it is necessary to confirm pursuant to the provisions of the above (1)b. whether or not this period exceeds the period of two months from the date of the expiration of the priority period. Specifically, the examiner shall confirm in turn the date of the expiration of the

following two periods by taking into consideration the closed date¹ of the RO to which the international application is filed.

- (i) The period of twelve months from the filing date of the earlier application
- (ii) The period of two months from the date² of the expiration of the period above (i)

In the case where the international filing date comes after the date of the expiration of the period of above (ii), the written opinion and the IPER are prepared without recognizing the effect of priority claim which is based on said earlier application ([→ § 2.7.3 \(1\) b. \(a\) \(iii\)](#))

Example: In the case of an international application with respect to which the RO is the JPO

- Filing date of the earlier application: 18.07.2014
- Date of the expiration of the period of above (i): 21.07.2015
(Because 18-20.07.2015 are closed dates of JPO)
- Date of the expiration of the period of above (ii): 24.09.2015
(Because 21-23.09.2015 are closed dates of JPO)

In the case where the international filing date is on or after 25.09.2015, the written opinion and the IPER are prepared without recognizing the effect of priority claim which is based on said earlier application.

¹ The days on which the Office or organization is not open can be found on WIPO's website. "IPO Closed Dates" <http://www.wipo.int/pct/dc/closeddates/faces/page/index.xhtml>

² In the case where the date of twelve months after the filing date of the earlier application corresponds to a closed date of the RO, the next opened date shall be the date on which the above period (i) expires, and computation of the above period (ii) shall start from the next day of such opened date.

5.15 Declaration as to Exceptions to Lack of Novelty

(1) Overview of related treaties, rules, guidelines, and others

The applicant can include a declaration as to non-prejudicial disclosures or exceptions to lack of novelty in the Box No. VIII (v) of the request¹ [R4.17(v)].

The presented documents in such declaration must be cited on the ISR with the appropriate category (X, Y, A, etc.) and may also be considered in the WO/ISA and during international preliminary examination [GL16.76].

(2) Detailed procedure

The following paragraph states the handling in cases where the document has been presented by above declaration in the international search stage and international preliminary examination stage (hereinafter referred to above document as “the presented document”).

a. Obtaining the presented document

The examiner attempts to obtain the presented document. If the examiner is able to obtain the document, such document is treated as follows² (→ [b.](#)).

b. Handling in cases where the examiner has obtained the presented document

(a) Prior art search

The examiner shall not use the presented document as the prior art which constitutes the ground for views of novelty and inventive step in the written opinion and the IPER (→ [\(c\)](#)). Therefore, the examiner is required to discover at least one document which constitutes the ground for views of novelty and inventive step other than the presented document, in each of the claims treated as the subject of search (→ [§ 2.6.2 \(3\)](#)).

¹ The applicant may correct or add to the request any declaration above by a notice submitted to the IB within a time limit of 16 months from the priority date [R26*ter*.1]. The IB shall promptly notify the applicant, the RO and the ISA of any declaration corrected or added above (Form PCT/IB/371) [S419(b)]. See the JPO website below for the procedure of this declaration.
http://www.jpo.go.jp/tetuzuki/t_tokkyo/kokusai/tt1303-044_qanda.htm (Japanese only)

² If the examiner is not able to obtain the presented document despite attempting to obtain it, such document is not cited in the ISR, etc.

(b) Preparation of the ISR

The presented document is cited in the ISR with the appropriate category (X, Y, A, etc.) [GL16.76].

(c) Preparation of the written opinion and the IPER

The examiner shall not use the presented document as the prior art which constitutes the ground for views of novelty and inventive step in the written opinion and the IPER¹. Therefore, the examiner presents the views of novelty and inventive step in the Box V of the written opinion and the IPER, by using only the document other than the presented document as the ground.

However, the provision of exceptions to lack of novelty of invention is not always applicable in all designated states. Therefore, in the field of “2. The Document and Explanations”, the views in case of having used the presented document as the prior art should be added², specifying that the document has been presented by the applicant

¹ It is the matter of ISA's and IPEA's discretion to take the presented document into consideration in the WO/ISA and in the international preliminary examination [GL16.76]. Therefore, the JPO acting as ISA and IPEA does not use the presented document as the prior art which constitutes the ground of the views in the written opinion and the IPER.

² If the presented document cannot be used as the prior art in the written opinion and the IPER, this addition is not made. In some cases, for example, “P” document of the ISR cannot be used as the prior art in the written opinion and the IPER ([→ § 2.7.3 \(1\) a.](#)).

Notes

Effect of the declaration in designated state

In cases where the applicant has included the declaration as to non-prejudicial disclosure or exceptions to lack of novelty of invention in the Box VIII (v) of the request, the effect of the declaration in each of the designated states is determined by the DO according to the national law of that State¹. In addition, the DO may require the applicant to invite to furnish any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty according to the national law of that State [R51bis.1(a)(v)].

Provision of exception to lack of novelty of invention in the national phase of Japan

The applicant seeking the application of provision of Article 30(2) of Patent Act shall submit, at the time of filing of the patent application, a document stating thereof and, within thirty days from the date of filing of the patent application, a document proving that this provision may be applicable² [Patent Act Article 30(3)].

However, there is a special provision on submission of above documents in the international patent application³. Notwithstanding Article 30(3) of Patent Act, an applicant of an international application may submit above documents in entering the national phase in Japan [Patent Act Article 184*quaterdecies*]

Effect of the declaration in the national phase of Japan

In cases where the request of the international application contains a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, it is deemed that the applicant has submitted the document to the effect that the applicant seeks the application of the provision of Article 30(2) of the Patent Law in the national phase of Japan. In this case, the applicant is not required to submit such document in the course of entry into the national phase of Japan. However, the applicant is required to submit the document proving that this provision may be applicable.

¹ See paragraph 5.081 of “PCT Applicant’s Guide – International Phase”
http://www.wipo.int/pct/en/appguide/text.jsp?page=ip05.html#_5.081

² See the JPO website below for the detail of the procedure.
http://www.jpo.go.jp/shiryoku/kijun/kijun2/hatumei_reigai.htm (Japanese only)

³ The international application deemed to be a patent application of Japan [Patent Act Article 184*ter*(2)].

5.16 Third Party Observation System

(1) Overview of related treaties, rules, guidelines, and others

a. Third Party Observation System in the international phase

In the PCT, the third party observation system in the international phase has been established, and thus third parties may make observations referring to prior art which they believe to be relevant to the question of whether the invention claimed in the international application is novel and/or involves an inventive step. Observations by third parties shall be submitted to the IB [S802(a)]¹.

A brief explanation for novelty or inventive step and the copy of the prior art document may be included in such observations [S801(b)(ii)]. In addition, the option to remain anonymous is provided for a third party who makes the observation [S801(b)(i), S803(b)].

Third party observations may be submitted at any time after the date of publication of the international application and before the expiration of 28 months from the priority date [S802(a)(ii)].

b. Notification to the applicant and comments by the applicant

The IB shall notify the applicant when the first third party observation is received in relation to an international application. If further observations are received, the IB shall notify the applicant of the receipt of all further observations promptly after the expiration of 28 months from the priority date [S804(a)].

The applicant may, within 30 months from the priority date, submit comments in response to any third party observation which has been received [S804(b)].

c. Communication to ISA or IPEA

The IB shall communicate any third party observation and any comment by the applicant promptly to the ISA and the IPEA, unless the ISR or the IPER has already been received by the IB [S805(a)].

¹ See the JPO website, for the procedures for the provider of observations.
http://www.jpo.go.jp/tetuzuki/t_tokkyo/kokusai/pct_third.htm

d. Publication on the WIPO website

Any third party observation, except for copies of prior art documents, and the comments by applicant shall be promptly made available for public inspection on the WIPO website [S803(a), S804(b)]. The copies of prior art documents shall be made available only to the applicant, the ISA, the IPEA and the DO [S803(a)].

(2) Detailed procedure

In cases where the third party observation has been made in the international search stage and the international preliminary examination stage, the document¹ stating such observation is communicate from the IB to the ISA or the IPEA ([→ \(1\) c.](#)),

a. Consideration of observation

Concerning the third party observation which has made available to the examiner before the ISR², the written opinion or the IPER is prepared, only when such observation includes the copy of the prior art document or when the examiner can easily obtain such copy, the examiner takes the document into account and, if necessary, cites such document in the ISR, the written opinion or the IPER [GL15.68, GL17.69].

To be different from the third-party observation system in the national application of Japan, the feedback for the person filing the observation is not made on the third party observation system of the international phase.

b. Indication of fields searched in the ISR

Where the examiner chooses to cite a document listed in a third party observation which would not have been found in the documentation searched, the examiner may indicate “Third party observation submitted on [Day.Month.Year]” (for example Third party observation submitted on 31.12.2014) in the “documentation

¹ See “ANNEX – SAMPLE OF A SUBMITTED OBSERVATION” in “ePCT Third Party Observations – A Guide to Using WIPO’s PCT Third Party Observation Service” on the WIPO website, for example of document communicated from the IB.

http://www.wipo.int/export/sites/www/pct/en/epct/pdf/epct_observations.pdf#page=26

² Since the ISR and the WO/ISA are usually prepared before the international publication, the third party observation has been rarely made available to the examiner before the preparation of the ISR and the WO/ISA.

searched other than the minimum documentation” box¹ in second sheet of the ISR [GL16.57].

c. Statement that third party observations have been taken into account in the written opinion and the IPER

The examiner may state² in Box No. V of the written opinion and the IPER that third party observations submitted on specified dates have been taken into account in preparing the opinion on novelty and inventive step [GL17.69].

¹ In cases where all indications cannot be entered in this box in second sheet, state “See extra sheet” in such box and then enter the matters on the extra sheet with the title of such box.

² It is, for example, possible to state in such a form “The examiner has considered the third party observation submitted on 31.12.2014 in order to prepare views of novelty and inventive step”.

Appendix A

Categories of Cited Documents

Appendix A

Categories of Cited Documents

Table of Contents

A.1	Definition of Category Symbols·····	1
A.2	Treatment of Invention, etc. That May Constitute the Ground of Reasons of Refusal in Japan ·····	5

A.1 Definition of Category Symbols

The category symbols are described below which are assigned when the examiner cites the documents in the ISR the written opinion and the IPER.

(1) Category “X”

Category “X” is applicable where a document such that when taken alone, a claimed invention cannot be considered novel or cannot be considered to involve an inventive step [S505(b)].

(2) Category “Y”

Category “Y” is applicable where a document such that a claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents [S505(c)].

Where a particular document is given category “Y”, the other documents which is combined with such one is simultaneously given category “Y”.

(3) Category “A”

Category “A” is given to a document which is not considered to be of particular relevance requiring the use of categories “X” and/or “Y” but defines the general state of the art.

(4) Category “P”

Category “P” is given a document whose publication date occurred before the international filing date of the international application concerned, but the on or after the priority date of the international application concerned (claimed the priority date¹) ([→ Fig. A-1](#)). The category “P” is always accompanied by a symbol indicating the relevance of the document (X, Y or A), for example “P, X”, “P, Y” or “P, A” [S507(d), GL16.71].

Category “P” is used in only the ISR and is not used in the written opinion and the IPER.

¹ Regardless of whether the effect of the priority claim of the present application is recognized, that is determined based on the priority date which the applicant claims, unless RO or IB considers the priority claim to be void, or the applicant has withdrawn the priority claim.

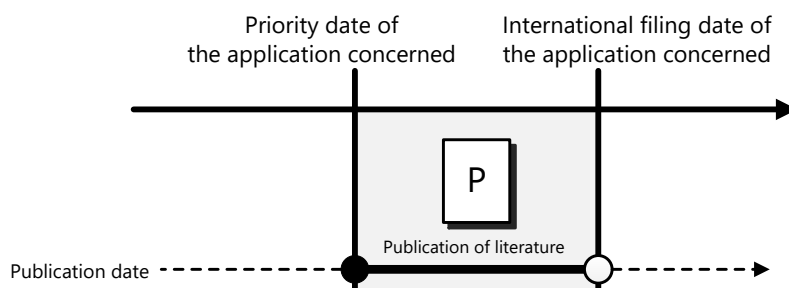


Fig. A-1 Document given category "P"

(5) Category "E"

Category "E" is given to any published application or any patent¹ whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date², is earlier than the relevant date [R33.1(c), R64.3, S507(b), GL16.73] (→ [Fig. A-2](#)). The category "E" is always accompanied by a symbol indicating the relevance of the document (X, Y or A), for example "E, X", "E, Y" or "E, A".

¹ The "application" in this paragraph includes not only patent application but also utility models application [A2(i)]. In addition, the "patent" includes utility models [A2(ii)].

² Where citing "E" documents accompanied by priority claims, the examiner should confirm only whether or not "claimed priority date" is before relevant date, and need not to determine whether or not the effects of the priority claim can be recognized. Hence, Where the examiner finds that, though the matter related to the determination of novelty and inventive step of the present claimed invention is described in "E" document, it is not described in the descriptions as filed of the earlier application based on the priority claim, the examiner can indicate that in Box No. V of the written opinion and the IPER [R70.10].

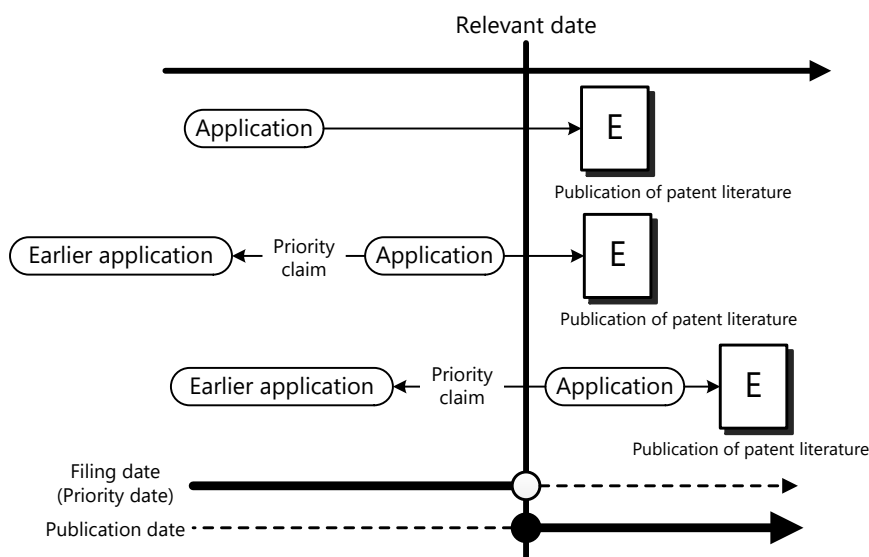


Fig. A-2 Document given category “E”

(6) Category “O”

Category “O” is given to any document which refers to an oral disclosure, use, exhibition, or other means (non-written disclosure¹) made on a date before the relevant date, and whose publication date is the same as, or later than the relevant date (→ Fig. A-3). The category “O” is always accompanied by a symbol indicating the relevance of the document (X, Y or A), for example “O, X”, “O, Y” or “O, A” [R33.1(b), R64.2, S507(a), GL16.70, GL17.46].

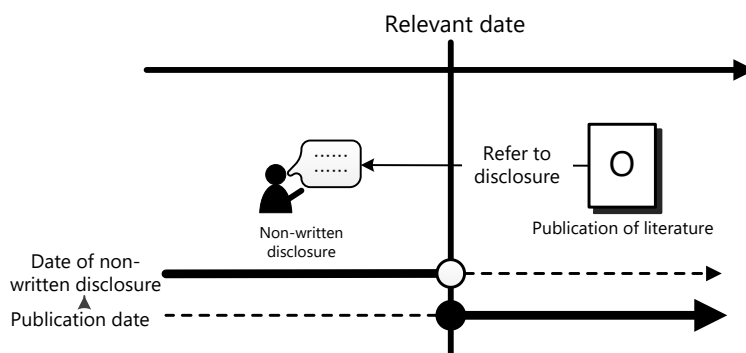


Fig. A-3 Document given category “O”

¹ Information disclosed on the Internet or an on-line database corresponds to “written disclosure” so is not included “non written disclosure” [GL11.01, GL11.13].

(7) Category “T”

Category “T” is given to a document whose publication date occurred after the filing date or the priority date of the international application and which is cited for the principle or theory underlying the invention, or is cited to show that the reasoning or the facts underlying the invention are incorrect [S507(e), GL16.72].

(8) Category “L”

Category “L” is given to a document to which other categories cannot be given (examples are described below). Brief reasons for citing the document should be given [S507(f)].

- A document which may throw doubt on a priority claim [S507(f), GL16.75(a)].
- A document cited to establish the publication date of another citation [S507(f), GL16.75(b)].
- A document whose publication date is not clear [GL15.64].
- A patent document whose filing date is the same as that of the present application, and which publishes the patent application of which the invention described in at least one claim is the same as that of the present application [GL11.10].

(9) Category “D”

Category “D” is given where any document cited in the international search report is a document cited in the international application [GL 16.74, S507(e-*bis*)].

A.2 Treatment of Invention, etc. That May Constitute the Ground of Reasons of Refusal in Japan

Even if the examiner has found inventions, etc. that may constitute the ground of reasons for refusal in Japan, the examiner cannot always cite such inventions, etc. in the international phase. Especially, the ground of reasons for refusal based on the following provisions should be noted.

- Patent Act Article 29(1)(i) (publicly known inventions) and (ii) (publicly worked inventions)
- Patent Act Article 29*bis* (secret prior art)
- Patent Act Article 39 (prior application or same day application)

Then, the following (1) to (3) describe, in cases where the examiner has found the ground of reasons for refusal based on these provisions, the treatment the ground in the international phase.

(1) Patent Act Article 29(1)(i) and (ii)

Where the examiner has found “publicly known inventions” or “publicly worked inventions” that may constitute, in Japan, the ground of reasons for refusal based on the provisions of Patent Act Article 29(1)(i) and (ii) , the examiner confirms whether the document which refers to such inventions exists.

Then, based on the confirmation results, the inventions are treated as indicated below ([→ Table A-1](#)).

Table A-1 Treatment in Cases Where the Examiner Has Found “publicly known inventions” or “publicly worked inventions”

Cases		Treatment
Cases where the document does not exist which refers to “publicly known inventions” or “publicly worked inventions”.		Citation cannot be made.
Cases where the document exists which refers to “publicly known inventions” or “publicly worked inventions”.	Cases where the publication date of the document is earlier than the relevant date	The document falls under the prior art. It is given category (“X”, “Y”, “A”) based on the matters stated in the document.
	Cases where the publication date of the document is the same as or later than the relevant date.	The document falls under “O” document. It is given category (“O, X”, “O, Y”, “O, A”) based on the matters stated in the document.

Attention

- Only “written disclosure” can be cited in the ISR, the written opinion, and the IPER. Accordingly, only when the document exists which refers to “publicly known inventions” or “publicly worked inventions”, the examiner can cite the document in the ISR and the written opinion and the IPER.
- Category symbols are given to the document basically based on the statements of itself. That is, based on the matters stated in the document, the examiner determines whether novelty or inventive step can be denied.

(2) Patent Act Article 29bis

In cases where the examiner has found “other application” that may constitute, in Japan, the ground of reasons for refusal based on the provision of Patent Act Article 29bis, the examiner generally cites¹ publication of patent applications or patent gazette of above “other application” as “E, X” document.

However, in cases where the inventions the same or substantially the same as the present invention are stated in the description, claims and drawings of such “other application” as filed but are not stated in publication of patent applications or patent gazette, the examiner does not cite publication of patent applications or patent gazette as

¹ Provided, that, in cases where the publication date of such document is the same as or later than the priority date of the present application and also before the international filing date of it, the examiner cites such document as “P, X” document in the ISR.

“E, X” document. (Publication of patent applications or patent gazette can be cited as “E, A” document.)

Attention

- Category is granted basically based on the statements of the document itself. Accordingly, in cases where the inventions the same or substantially the same as the present invention are not stated in publication of patent applications or patent gazette, such publication of patent applications or Patent Gazette does not fall under “E, X” document.

(3) Patent Act Article 39

In cases where the examiner has found “earlier application” that may constitute, in Japan, the ground of reasons for refusal based on the provision of Patent Act Article 39, the examiner cites¹ publication of patent applications or patent gazette of above “earlier application” as “E, X” document. However, in cases where such “earlier application” is not published, the examiner does not cite such publication of patent applications or Patent Gazette.

In cases where the examiner has found “other same day application” that may constitute, in Japan, the ground of reasons for refusal based on the provision of Patent Act Article 39, only when such “other same day application” has been already published², the examiner cites publication of patent applications or patent gazette of above “other same day application” as “L” document.

¹ Provided, that, in cases where the publication date of such document is the same as or later than the priority date of the present application and also before the international filing date of it, the examiner cites such document as “P, X” document in the ISR.

² It is rare that such “other same day application” has been published at the time of preparation of the ISR.

Notes

Summary of Relation between Patent Act Article 29bis, Article 39 and “E, X” document

When summarizing the relation between the application which, in Japan, constitutes the ground of reasons for refusal based on the provisions of Patent Act Article 29bis, Article 39 and “E, X” document in the international phase, the summary is as indicated in Table A-2 below (Table A-2 assumes the cases where the present application does not include the priority claim).

Table A-2 Summary of Relation between Patent Act Article 29bis, Article 39 and “E, X” document

	“Other application” in Patent Act Article 29bis	“Earlier application” or “other same day application” in Patent Act Article 39	“E, X” document in the international phase
Subject application	Only national application ¹	Only national application ¹	Including the application overseas
Timing of filing of the subject application	Before the filing date of the present application (excluding the same date)	The same date of the filing date of the present application or before	Before the filing date of the present application (excluding the same date)
Timing of publication of the subject application	After the filing of the present application	No regulations	The same date of the filing date of the present application or after
Applicant and inventor of the subject application	Only applicable in cases where the applicant and inventor are different from those in the present application	No regulations ²	No regulations
Subject of determination	The invention stated in the description, etc. originally attached to the application	Claimed invention of the application	Invention stated in the document
Criteria	Whether to state the invention identical or substantially identical to the present invention	Whether to state the invention identical or substantially identical to the present invention	Novelty or inventive step of the present invention can be denied only based on the document

¹ International application of the following can become “other application” in Patent Act Article 29bis or “earlier application” or “other same day application” in Patent Act Article 39 [Patent Act Article 184ter, Article 184quater, Article 184terdecies].

- International application, whose language is the Japanese, designating JP
- International application, whose language is other than Japanese, designating JP and whose translation of the description and claims is transmitted.

² Where Patent Act Article 29bis is applicable, Patent Act Article 39 is not applied (JPGL Part III Chapter 4 4.).

Appendix B

Manner for Identification of Cited Documents

Appendix B

Manner for Identification of Cited Documents

Table of Contents

B.1	Patent Document	1
B.2	Non-Patent Literature	5
B.2.1	Monograph	5
B.2.2	Article Published in a Periodical	8
B.2.3	Document Produced by a Standards Defining Organization (SDO)	10
B.2.4	Information of the Primary Documents Retrieved from the Internet	12
B.2.5	Information of Secondary Documents Retrieved from Online Databases	14
B.2.6	Points of Attention when Citing Japsnese Non-Patent Literatures	15

GL16.78, GL16.78A, GL17.42, and WIPO Standard¹ ST.14].

B.1 Patent Document

(1) Form and its Explanation

Form

(a) (b) (c) (d)

(e), (f)

(g)

- (a) Industrial property office
- (b) Number of document
- (c) Kind of document
- (d) Name of the applicant or patentee
- (e) Date of publication
- (f) Location of especially relevant passages
- (g) Patent family

Explanation

(a) Industrial property office

- The industrial property office that issued the document is indicated.
- Two-letter code, described in WIPO Standard ST.3, for the representation of states, other entities and intergovernmental organizations is indicated.

(b) Number of document

- The number of the document as given to it by the industrial property office that issued it is indicated.

¹ WIPO Standard can be referred at http://www.wipo.int/standards/en/part_03_standards.html.

(c) Kind of document

- Code, described in WIPO Standard ST.16, for the representation of patent document is indicated.

(d) Name of the applicant or patentee

- It is indicated in parentheses.
- In cases where there are more than one applicants or patentees, the name of other than the author can be omitted.
- Where the language of the international application is Japanese, if the Japanese patent document is cited, the name is indicated with Japanese, and if the patent document other than Japanese is cited, the name is indicated with alphabet.
- Where the language of the international application is English, if a patent document is cited, the name is indicated with alphabet regardless of the language of the cited document.
- When indicating the name of natural person in alphabet, forenames or initials should follow the surname. Such surnames and initials should be given in capital letters (for example: JOHNSON, Samuel).
- When indicating the names of corporation in alphabet, such names should be given in capital letters. The abbreviation such as CORP. can be used.

(e) Publication date

- It is indicated in order of “Day (two digits). Month (two digits). Year (four digits) (Year – Month – Day)”.

(f) Location of especially relevant parts

- The parts, in the document, disclosing especially relevant prior art in order to determine whether the present claimed invention is novel or involves inventive step, is indicated. If citing the “A” documents, they do not have to be indicated.
- The number of page, column, paragraph, line or figure is used in order to identify.

(g) Patent family

- In cases where there are patent family members of the cited document, add “&” after the cited document in the written opinion or IPER, thereafter, list the document of a patent family (the name of authority, the number granted to the document and types of document). In the ISR, the patent family

document of the cited document can be listed all together in the attached sheet for a patent family.

- It is not always necessary to list all the documents of a patent family, but expected to list the documents of a patent family in as many languages as possible, in order to present the document which is easiest for the readers in all states to use [GL16.82].
- In cases where the documents in more than one language are included in a patent family the examiner cites the document in the same language as the international application^{1, 2} and describes other document as the patent family document [GL15.69].
- In cases where the examiner cites the patent document in a language other than English, if there are patent family documents in English, the part to be referred especially should be identified in at least one of such patent family documents [GL15.69, GL17.43].
- In cases where there is no patent family in the cited document, describe the matter to the effect with brackets after the cited document, such as “(Family: none)”.

(2) Examples (written opinion)

Example 1: JP 2012-333333 A (XX CO., LTD.)

18.10.2912 (2012-10-18), paragraphs [0020] to [0032], Fig. 2
& CN 111222333 A & KR 10-2012-0222111 A

Example 2: US 5555555 A (XX CORPORATION”

29.07.1992(1992-07-29), column 10, line 5 to column 11, line 19
& JP 4-234567 A & EP 0456789 A1

Example 3: US 2005/0222222 A1 (JONES et al.)

24.11.2005(2005-11-24), paragraphs [0070] to [0080], Fig. 4
& WO 03/099999 A1

¹ However, where the document in the same language as the international application corresponds to “P” or “E” document and the document in the other language can be cited as “X”, “Y” or “A” document, the document in the other language shall be cited preferentially.

² In cases where the language of the international application is neither Japanese nor English, the examiner cites the document in the same language as the translation ([→ § 1.5.3, § 1.5.5](#)) of the international application.

Example 4: DE 102 00789 A1 (AAAA GMBH)
18.10.2001(2001-10-08), paragraphs [0062] to 90068], Figs. 1 to 3
(Family: none)

Example 5: JP 2015-987654 A (XX KABUSHIKI KAISHA)
26.07.2015(2015-07-26), paragraphs [0020] to [0030]
& US 2015/0999999 A1, paragraphs [0025] to [0035]

(3) Attention

CD-ROM or microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application is cited as the following examples.

Example 1: CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No. 12222/1992 (Laid-open No. 23333/1993) (XX INC.)
19.10.1993(1993-10-19), paragraphs [0025] to [0035], Figs. 1 to 3
(Family: none)

Example 2: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 11111/1979 (Laid-open No. 99999/1980) (XX INC.)
28.08.1980(1980-08-28), page 7 line 10 to page 9 line 3 of the specification, Fig. 5 (Family: none)

B.2 Non-Patent Literature

B.2.1 Monograph

(1) Form and its Explanation

Form

<u>ADAMS, L et al.,</u>	<u>Electronic Technology,</u>	<u>2nd edition,</u>	
(a)	(c)	(d)	
<u>London : XX Publishing,</u>	<u>2010,</u>	<u>ISBN 978-4-1111-1111-4,</u>	<u>p. 182-183</u>
(e)	(f)	(g)	(h)

- (a) Name of the author (in the case of a contribution, Name of the author of the contribution)
- (b) Title of the contribution (in the case of a contribution)
- (c) Title of the monograph
- (d) Number of the edition
- (e) Place of publication and Name of publisher
- (f) Year of publication
- (g) International Standard Book Number (ISBN) (as far as possible)
- (h) Location of especially relevant passages

Explanation

(a) Name of the author (in the case of a contribution, Name of the author of the contribution)

- In cases where there are more than one author, when omitting the name of other than first author, list “et al.” following first author.
- When describing the name of author or contributor in alphabet, list surname prior to forenames or initials. In that case, surname and initials are listed in capitals, and an initial letter of forename is listed in capitals and other letters of forename are listed in small letters (For example: JOHNSON, Samuel).
- In case of the translation, list the name of original author (or the name of original editor), thereafter, list the name of translator.

(b) Title of the contribution

- List the name only in case of a contribution.

- The title of the contribution is followed by “In:”, thereafter, list the name of the monograph ([→ \(c\)](#)).

(c) Title of the monograph

- The title of the monograph is listed without abbreviation.
- In cases where monograph is lectures, complete works or the like, list the name of the lectures or complete works and the number of volume prior to the name of the monograph.
- In cases of a contribution, list the name of the editor in addition to the title of the monograph.

(d) Number of the edition

- List the number of the edition, if described in a monograph.

(e) Place of publication and the name of publisher

- In cases where the place of publication is not described in a monograph but the address of publisher is described therein, the latter is listed as the place of publication.
- In case of publication by company, list the name and address of the company

(f) Year of the publication

- List in four digits.
- If necessary in relation to the international filing date or priority date of the present application, month and day are also listed. In that case, be listed, in principle, in a form of “Year (four digits) .Month (two digits) .Day (two digits)”.
- In cases where the date of publication is not clear, the date of receipt can be listed. However, in that case, specify the matter to that effect clearly.

(g) International Standard Book Number (ISBN)

- List the ISBN as far as possible (for example: ISBN 987-4-7654-0537-9).

(h) Location of especially relevant passages

- The parts, in the document, disclosing especially relevant prior art in order to determine whether the present claimed invention is novel or involves inventive step, is indicated. If citing the “A” documents, they do not have to be indicated.
- The number of page, column, paragraph, line or figure is used in order to identify.

(2) Examples

Example 1: WALTON, Herrmann, Microwave Quantum Theory, London: Sweet and Maxwell, 1973, Vol.2, ISBN 5-1234-5678-9, p. 138-192, especially p. 146-148.

Example 2: SMITH et al., Digital demodulator for electrical impedance imaging, In: IEEE Engineering in Medicine & Biology Society, 11th Annual Conference, Edited by Y. Kim et al., New York: IEEE, 1989, Vol. 6, p. 1744-5, especially p. 1744, lines 1-25.

(3) Attention

If not specifying the ISBN, the examiner lists, in principle, the information of (a) to (c) in an original language, so as to identify monographs.

B.2.2 Article Published in a Periodical

(1) Form and its Explanation

Form

TAYLOR, N., Examples of Machine Design, Journal of XX Society,
(a) (b) (c)
1990.03.30, Vol. 11, No. 3, p. 74-78, ISSN 1111-2222,
(d) (e)
especially p. 75, lines 5 to 15
(f)

- (a) Name of the author
- (b) Title of the article
- (c) Title of the periodical
- (d) Year of the publication, Number of the volume and Number of the pages
- (e) International Standard Serial Number (ISSN) (as far as possible)
- (f) Location of especially relevant passages

Explanation

(a) Name of the author

- In cases where there are more than one author, it is preferable to list the names of all authors. Otherwise, list “et al.”, following the name of first author.
- When describing the name of author or contributor in alphabet, list surname prior to forenames or initials. In that case, surname and initials are listed in capitals, and an initial letter of forename is listed in capitals and other letters of forename are listed in small letters (For example: JOHNSON, Samuel).

(b) Title of the article

- List the name of article of a periodical.

(c) Title of the periodical

- Abbreviations conforming to generally recognized international practice may be used¹.

(d) Year of the publication, Number of the volume and Number of the pages

- The year of publication is listed in four digits.
- If necessary in relation to the international filing date or priority date of the present application, month and day are also listed. In that case, be listed, in principle, in a form of “Year (four digits) .Month (two digits) .Day (two digits)”.
- In cases where the date of publication is not clear, the date of receipt can be listed. However, in that case, specify the matter to that effect clearly.
- With regard to pages, list, in principle, total pages in figures. In cases where total pages are not stated, list the pages of an issue.

(e) International Standard Serial Number (ISSN)

- List the ISSN as far as possible (for example: ISSN 1045-1064).

(f) Location of especially relevant passages

- The parts, in the document, disclosing especially relevant prior art in order to determine whether the present claimed invention is novel or involves inventive step, is indicated. If citing the “A” documents, they do not have to be indicated.
- The number of page, column, paragraph, line or figure is used in order to identify.

(2) Example

Example 1: DROP, J.G., Integrated Circuit Personalization at the Module Level, IBM tech. dis. bull., 1974, Vol. 17, No. 5, p. 1344-1345, ISSN 2345-6789, especially p. 1345, lines 3-10

¹ In the list of non-patent literatures of “PCT Minimum Documentation - List of Periodicals” (See the URL below), the abbreviated names of the document are stated.
<http://www.wipo.int/export/sites/www/standards/en/pdf/04-02-01.pdf>

(3) Attention

If not specifying the ISSN, the examiner lists, in principle, the information of (a) to (c) in an original language, so as to identify articles.

B.2.3 Document Produced by a Standards Defining Organization (SDO)¹

(1) Form and its Explanation

Form

<u>SPENCER, M et al.,</u>	<u>IAX: Inter-Asterisk eXchange. Version2.,</u>		
(a)	(b)		
<u>IETF RFC5456,</u>	<u>2010.02.27,</u>	<u>ISSN: 2070-1721,</u>	<u>whole documents</u>
(c)	(d)	(e)	(f)

- (a) Name of the author (as far as possible)
- (b) Title of the document (as far as possible)
- (c) Name of the SDO and Unique standard reference number
- (d) Date of the publication
- (e) International Standard Serial Number (ISSN) (as far as possible)
- (f) Location of especially relevant passages

Explanation

(a) Name of the author

- List the name of the author as far as possible.
- In cases where there are more than one author, it is preferable to list the names of all authors. Otherwise, list “et al.”, following the name of first author.
- When describing the name of author or contributor in alphabet, list surname prior to forenames or initials. In that case, surname and initials are listed in capitals, and an initial letter of forename is listed in capitals and other letters of forename are listed in small letters (For example: JOHNSON, Samuel).

¹ A general term for various technical documents including the formulated standards, proposed standards to be adopted and the contributions submitted by the members in the process of formulating the technical standard.

(b) Title of the document

- List the title of the document as far as possible.

(c) Name of the SDO and Unique standard reference number

- List the name of the SDO and the unique standard reference number. They are not needed to be comma-delimited.
- As for the name of the SDO, list the full name or the well-known acronym of the SDO. If available, the name of the relevant conference or working group is also listed.
- As for the unique standard reference number, list the unique identification number to identify the document used by the SDO, including the id, the version, etc.

(d) Date of the publication

- The date of publication is listed in a form of “Year (four digits) .Month (two digits) .Day (two digits)”.
- In cases where the date of publication is not clear, the date of receipt can be listed. However, in that case, specify the matter to that effect clearly.

(e) International Standard Serial Number (ISSN)

- List the ISSN as far as possible (for example: ISSN 2070-1721).

(f) Location of especially relevant passages

- The parts, in the document, disclosing especially relevant prior art in order to determine whether the present claimed invention is novel or involves inventive step, is indicated. If citing the “A” documents, they do not have to be indicated.
- The number of page, column, paragraph, line or figure is used in order to identify.

(2) Example

Example 1: IP Multimedia Call Control Protocol based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP) Stage 3, 3GPP TS24.403 V1.8.1, 2007.12.01, p.3-5

Example 2: EL-KHATIB, K. et al., Multiplexing Scheme for RTP Flows between Access Routers, INTERNET ENGINEERING TASK FORCE draft-ietf-avt-multiplexing-rtp-01, 1999.06.24, whole documents

Example 3: GILADI, Alex et al., Segment Integrity and Authenticity for DASH,
ISO/IEC JTC1/SC29/WG11 MPEG2012/m24716, 2012.05.03,
whole documents

B.2.4 Information of the Primary Documents Retrieved from the Internet

(1) Form and its Explanation

Form

SUZUKI, T et al., Movement of New Technology, XX Society [online],
(a)
1998.04.15 [retrieved on 2015.01.22],
(b)
Retrieved from Internet: <URL : http://www.xx-gakkai.or.jp/info/newtech.html>
(c)
<DOI: 10.9999/xx1234567>, Chapter 2, paragraphs 5 to 7
(d)

When identifying the information of the primary document retrieved from internet, list the following information, in addition to above information of § B.1, § B.2.1, § B.2.2 or § B.2.3.

- (a) Type of medium
- (b) Date when the document was retrieved from the Internet
- (c) Source of the document
- (d) Identification number (as far as possible)

Explanation

(a) Type of medium

- List the types of medium in square brackets (for example: [online]).

(b) Date when the document was retrieved from the Internet

- List the date when the document was retrieved from the Internet in square brackets (for example: [retrieved on 2015.05.22]).

(c) Source of the document

- Describe the matter to the effect that information has been retrieved from Internet and the URL (For example: Retrieved from the internet: <URL: http://..... >

(d) Identification number

- List the DOI (Digital Object Identifier) as far as possible.

(2) Examples

Example 1: WALLACE, S, and BAGHERZADEH, N, Multiple Branch and Block Prediction, Third International Symposium on High-Performance Computer Architecture [online], 1997 [retrieved on 2014.07.18], Retrieved from the Internet: <URL: http://ieeexplore.ieee.org/xpl/fre_eabs_all.jsp?tp=&arnumber=569645&isnumber=12370> <DOI: 10.1109/HPCA.1997.569645>, whole documents

Example 2: National Research Council, Board on Agriculture, Committee on Animal Nutrition, Subcommittee on Beef Cattle Nutrition, Nutrient Requirements of Beef Cattle [online], 7th revised edition, Washington, DC: National Academy Press, 1996 [retrieved on 2015.07.19], Retrieved from the Internet: <URL: http://books.nap.edu/openbook.php?record_id=9791&page=24>, Chapter 3, page 24, table 3-1

Example 3: OWEN, RW et al., Olive-oil consumption and health: the possible role of antioxidants. Lancet Oncology, Vol. 1, No. 2, 2000, p. 107-112 [online], [retrieved on 2015.07.18], Retrieved from the Internet: <URL: <http://www.ingentaconnect.com/content/els/14702045/2000/00000001/00000002/art0001>> <DOI: 10.1016/S1470-2045(00)00015-2>, p.108-109

Example 4: Samsung, Review Issue List (RIL) in preparation for REL-10 ASN.1 freeze (Step 2) [online], 3GPP TSG-RAN2#74 R2-113153, 2011.05.02, [retrieved on 2016.11.21], Retrieved from the internet: <URL: http://www.3gpp.org/ftp/tsg_ran/WG2_RL2/TSGR2_74/Docs/R2-113153.zip>, p.3-5

B.2.5 Information of Secondary Documents Retrieved from Online Databases

(1) Form and its Explanation

Form

SU 1511467 A1 (PROIZV OB BRYANSKIJ MASHINOSTR)

1989.09.30 (abstract) Derwent World Patents Index [online],
(a) (b)

Clarivate Analytics (Japan) Co., Ltd. [retrieved on 2018.02.23],
(c) (d)

Retrieved from: Derwent Innovation, Accession No. 1990-121923,
(e) (f)

whole documents

When identifying the information of the secondary document retrieved from internet, list the following information, in addition to above information of § B.1, § B.2.1, § B.2.2 or § B.2.3.

- (a) Name of database
- (b) Type of medium
- (c) Address and Name of the provider of database
- (d) Date when the document was retrieved from the Internet
- (e) Source of the document
- (f) Identification number (as far as possible)

Explanation

(a) Name of database

- List the name of the database used for retrieving.

(b) Type of medium

- List the types of medium in square brackets (for example: [online]).

(c) Address and Name of the provider of database

- List the name of the provider of database. If necessary, list the address of the provider of database.

(d) Date when the document was retrieved from the Internet

- List the date when the document was retrieved from the Internet in square brackets (for example: [retrieved on 2015.05.22]).

(e) Source of the document

- List the name of the service used for accessing online databases (for example: Retrieved from: STN).

(f) Identification number

- List the accession no. in the databases used ([→ \(a\)](#)), as far as possible.

(2) Example

Example 1: SHETULOV D. I., Surface Effects During Metal Fatigue,
Fiz-Him. Meh. Mater., 1971, Vol. 7, No. 2, p. 7-11, (abstract)
CAplus [online], US: American Chemical Society
[retrieved on 2015.04.24], Retrieved from: STN,
Accession No.1971:520718, whole documents

B.2.6 Points of Attention when Citing Japanese Non-Patent Literatures

When citing Japanese non-patent literatures, the official English translations of bibliographic information (name of the author, title of the article, title of the periodical, etc.) can be listed in round brackets after above information of § B.2.1 - § B.2.5., if those translations are specified in such cases where English bibliographic information is described in the document.

Example 1 (In a case where official English translations of the name of the author, the title of the article and the title of the periodical are specified):

永田治樹, ライブラリーコンソーシアムの歴史と現状, 情報の科学と技術. 1997.11.01, 47(11), ISSN: 0913-3801, p. 566-573

(NAGATA, Haruki, Library Consortia: Past and Present, The Journal of Information Science and Technology Association.)

Example 2 (In a case where official English translations of only the name of the author and the title of the article are specified):

永田治樹, ライブラリーコンソーシアムの歴史と現状, 情報の科学と技術. 1997.11.01, 47(11), ISSN: 0913-3801, p. 566-573

(NAGATA, Haruki, Library Consortia: Past and Present)

Appendix C

Decision of the Basis of the International Preliminary Examination in the Cases Where Amendments Have Been Made

Appendix C

Decision of the Basis of the International Preliminary Examination in the Cases Where Amendments Have Been Made

Table of Contents

C.1	Principles	1
C.2	Case Examples.....	6
C.2.1	Cases where amendments have been made to the claims	6
Example 1:	Cases where the new matter has not been added to the claims after the amendments	6
Example 2:	Cases where the new matter has been added to the claims after the amendments (Cases where the claim of the same number did exist before the amendments (1))	8
Example 3:	Cases where the new matter has been added to the claims after the amendments (Cases where the claim of the same number did exist before the amendments (2))	10
Example 4:	Cases where the new matter has been added to the claims after the amendments (Cases where the claim of the same number did exist before the amendments (3))	12
Example 5:	Cases where the new matter has been added to the claims after the amendments (Cases where the claim of the same number did exist before the amendments (4))	14
Example 6:	Cases where the new matter has been added to the claims after the amendments (Cases where the claim of the same number did not exist before the amendments).....	16
Example 7:	Cases where the new matter has been added to the claims after the amendments (Cases where other claim is cited by the claim before the amendment (1))	18

Example 8:	Cases where the new matter has been added to the claims after the amendments (Cases where other claim is cited by the claim before the amendment (2))	20
C.2.2	Cases where amendments have been made to the description	22
Example 9:	Cases where the new matter has not been added to the description after the amendments (1).....	22
Example 10:	Cases where the new matter has not been added to the description after the amendments (2).....	24
Example 11:	Cases where the new matter has been added to the description after the amendments (1).....	25
Example 12:	Cases where the new matter has been added to the description after the amendments (2) (Cases where the amendment which satisfies substantive requirements and the amendment which does not satisfy substantive requirements exist on the same page of the description after the amendment)	27
Example 13:	Cases where a page of the description has been cancelled	29
C.2.3	Cases where amendments have been made to the drawings	31
Example 14:	Cases where the new matter has not been added to the drawings after the amendments	31
Example 15:	Cases where the new matter has been added to the drawings after the amendments (1)	32
Example 16:	Cases where the new matter has been added to the drawings after the amendments (2)	34

C.1 Principles

The determination concerning substantive requirements for amendments is made based on whether or not the amendments add the contents which go beyond the disclosure in the international application as filed (hereinafter referred to as “new matter”) ([→ § 4.8](#)).

Units for determination on substantive requirements for amendments are as follows:

- Description: each page of the description in principle¹
- Claims: each claim
- Drawings each figure

In cases where the new matter has not been added to any of the pages of the description, claims, or drawings after the amendments, it is determined that the amendments to said page of the description, claims, or drawings satisfy substantive requirements. On the other hand, in cases where the new matter has been added, it is determined that substantive requirements are not satisfied.

In cases where the examiner determined that the amendments satisfies substantive requirements, the pages of the description, claims, or drawings after the amendment are included as the basis of the international preliminary examination. On the other hand, in cases where the examiner determined that an amendment does not satisfy substantive requirements, the basis of the international preliminary examination is determined by considering that said amendment has not been made² [R70.2(c), (*c-bis*)].

Below, case examples are indicated to explain the decision concerning the basis of the international preliminary examination in the case where amendments have been

¹ In the case where the amendments are made in multiple parts of the same page of the description and these amendments can be distinguished from each other if the applicant's explanations provided in the letter are taken into consideration, substantive requirements for these amendments are determined separately.

² In cases where the ground for the amendment is not indicated in the letter and where, although an informal communication has been made, explanations are not made to the extent that the determination whether or not the amendment satisfies substantive requirements can be made, such cases are also handled in the same manner as when the examiner determines that the amendment does not satisfy the substantive requirements (the amendment is determined as constituting addition of the new matter). [→ § 3.3.4 \(2\) c.](#)

made, according to the each of the cases where amendments are made to the claims, description, or drawings, respectively^{1,2}.

(1) Amendments to the claims

In cases where the claims are amended, the applicant shall be required to submit a replacement sheet or sheets containing a complete set of claims in replacement of all the claims [R46.5(a), R66.8(c)]. The examiner makes the determination of whether or not the amendment of the claims satisfies the substantive requirements for each claim after the amendment, and determines the basis of the international preliminary examination as follows.

- (i) In cases where the new matter has not been added to the claim after the amendment, the amendment to said claim satisfies substantive requirements. Therefore, the claim after the amendment is included as the basis of the international preliminary examination. [→ Example 1](#)
 - Since the new matter has not been added to the claim after the amendment which has the same contents as before the amendment, said claim is included as the basis of the international preliminary examination.
- (ii) In cases where new matter has been added to the claim after the amendment, the amendment to said claim does not satisfy substantive requirements.
 - The amendment to said claim is considered as not having been made, and the claim of the same number before the amendment is included as the basis of the international preliminary examination.
[→ Example 2](#), [Example 3](#), [Example 4](#), [Example 5](#)

¹ In the following explanation, the pages of the description, claims, or drawings “before amendment” refer to the case where the new matter has not been added. If amendments have been submitted multiple times, and if the new matter has been added to the page of the description, claims, or drawings immediately before the amendments, they are not considered as the basis of the international preliminary examination.

² In examples shown below, no amendment and request for rectification are deemed to be submitted other than that expressly described in examples.

- However, in cases where the claim of the same number did not exist before the amendment, no claim, whether before or after the amendment, is included as the basis of the international preliminary examination.

[→ Example 6](#)

- In cases where other claim is cited by the claim before the amendment which is included as the basis of the international preliminary examination (For example: "an apparatus stated in claim x, characterized by additionally comprising A"), it is interpreted that the claim cites such other claim before the amendment. [→ Example 7](#), [Example 8](#)

(2) Amendments to the description

In cases where the applicant amends the description, the applicant shall submit a replacement sheet for the page in the description requiring amendment (provided, however, that the page in the description to be cancelled by the amendment shall be excluded¹). In principle, the examiner determines whether or not the amendment to the description satisfies substantive requirements for each page with respect to which a replacement sheet is submitted, and determines the basis of the international preliminary examination as below.

However, in the case where the amendments are made in multiple parts of the same page of the description and these amendments can be distinguished from each other if the applicant's explanations provided in the letter are taken into consideration, substantive requirements for these amendments are determined separately.

- (i) In cases where the new matter has not been added to the pages of the description after the amendment, the amendment to said page shall be considered as satisfying substantive requirements. Therefore, said page after the amendment is included as the basis of the international preliminary examination. [→ Example 9](#)

- If appropriate, the page which has branch number of the description is

¹ In cases where any of the pages of the description is cancelled due to amendment, no replacement sheet shall be submitted whereas the amendment shall be communicated in a letter [R66.8(b)]. If the amendment to cancel any of the pages of the description does not constitute addition of the new matter, the amendment to cancel said page satisfies substantive requirements, and thus said page having been cancelled is not included as the basis of the international preliminary examination. [→ Example 13](#)

also included as the basis of the international preliminary examination.

[→ Example 10](#)

- (ii) In cases where the new matter has been added to the page of the description after the amendment, the amendment to said page is considered as not satisfying substantive requirements. Therefore, the amendment to said page is considered as not having been made, and the page before the amendment is included as the basis of the international preliminary examination.

[→ Example 11](#)

- However, in cases where multiple parts have been amended in the same page of the description, and each determination on the substantive requirements is separately made, if the amendment which satisfies the substantive requirements and the amendment which does not satisfy the substantive requirements exist on the same page, the amendment which does not satisfy the substantive requirements is considered as not having been made, while the page after the amendment is included as the basis of the international preliminary examination. In such cases, there should be a clear statement to that effect in the Supplemental Box.

[→ Example 12](#)

- (iii) With respect to the page of the description for which a replacement sheet has not been submitted and which has not been cancelled, said page has not been amended. Therefore, the page before the amendment shall be included as the basis of the international preliminary examination.

(3) Amendments to the drawings

In the case where amendments are made to the drawings, the applicant shall submit a replacement sheet for the page of the drawings containing the drawing to be amended (provided, however, that the page of the drawing to be cancelled by the amendment shall be excluded¹). The examiner determines whether or not the amendment of drawings satisfies substantive requirements according to each of the drawings included

¹ In cases where any of the pages of the drawings is cancelled due to amendment, no replacement sheet shall be submitted whereas the amendment shall be communicated in a letter [R66.8(b)]. If the amendment to cancel any of the pages of the drawings does not constitute addition of the new matter, the amendment to cancel said page satisfies substantive requirements, and thus said page having been cancelled is not included as the basis of the international preliminary

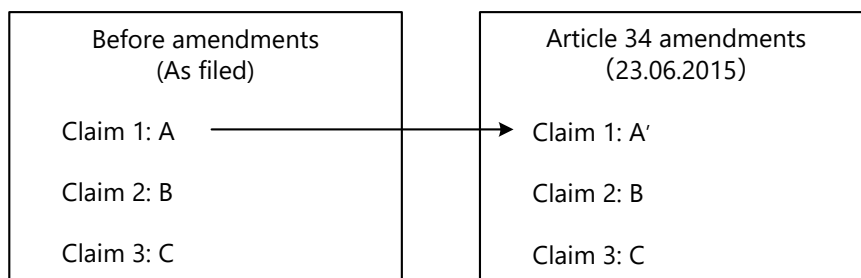
in the above replacement sheet, and determines the basis of the international preliminary examination as follows.

- (i) If the new matter has not been added to the drawing after the amendment, the amendment to said drawing satisfies substantive requirements. Therefore, the drawing after the amendment is included as the basis of the international preliminary examination. [→ Example 14, Example 15](#)
 - As for the drawing after the amendment which has the same contents as the drawing before the amendment, the new matter has not been added. Therefore, the drawing after the amendment is included as the basis of the international preliminary examination.
- (ii) In cases where the new matter has been added to the drawing after the amendment, the amendment to said drawing does not satisfy substantive requirements. Therefore, the amendment to said drawing is considered as not having been made, and the drawing before the amendment is included as the basis of the international preliminary examination.
[→ Example 15, Example 16](#)
- (iii) With respect to the drawing which is not contained in any replacement sheets and which has not been cancelled, said drawing has not been amended. Therefore, the drawing before the amendment is included as the basis of the international preliminary examination.

C.2 Case Examples

C.2.1 Cases where amendments have been made to the claims

Example 1: Cases where the new matter has not been added to the claims after the amendments



Premise

- The amendment on which statement A is changed to A' in claim 1 does not constitute addition of the new matter.
- Claims 2 and 3 have not been changed by the amendments.

Examiner's decision

The new matter is not added to claim 1-3 after the amendments, and thus said claim 1-3 after the amendments are included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 after the amendment = A'

Claim 2: Claim 2 after the amendment = B

Claim 3: Claim 3 after the amendment = C

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):



the claims:

Nos. _____ as originally filed/furnished

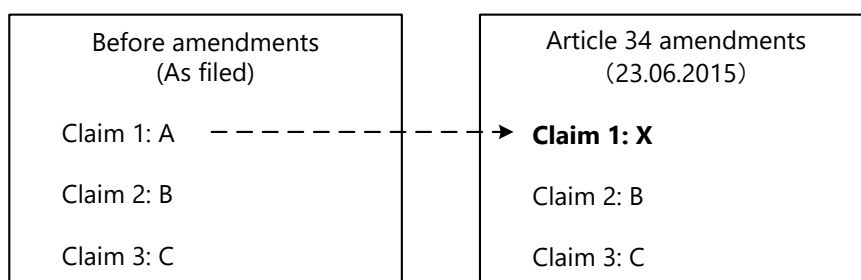
Nos. _____ as amended (together with any statement) under Article 19

Nos. 1-3 received by this Authority on 23.06.2015

Nos. _____ received by this Authority on _____

Example 2: Cases where the new matter has been added to the claims after the amendments

(Cases where the claim of the same number did exist before the amendments (1))



Premise

- The amendment on which statement A is changed to X in claim 1 constitutes addition of the new matter.
- Claims 2 and 3 have not been changed by the amendments.

Examiner's decision

The new matter has been added to claim 1 after the amendment, and thus said claim 1 after the amendment is not included as the basis of the international preliminary examination. The amendment to said claim is considered as not having been made, and claim 1 before the amendment is included as the basis of the international preliminary examination.

The new matter is not added to claims 2 and 3 after the amendments, and thus said claims 2 and 3 after the amendments are included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 **before** the amendment = A

Claim 2: Claim 2 after the amendment = B

Claim 3: Claim 3 after the amendment = C

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

- ☒ the claims:
Nos. 1 as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. 2-3 received by this Authority on 23.06.2015
Nos. _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages _____
☒ the claims, Nos. 1 _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement A was changed to X in claim 1 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

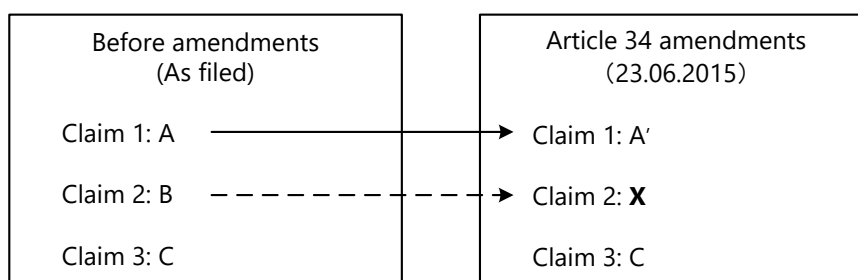
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 1, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 1 as originally filed.

Example 3: Cases where the new matter has been added to the claims after the amendments

(Cases where the claim of the same number did exist before the amendments (2))



Premise

- The amendment on which statement A is changed to A' in claim 1 does not constitute addition of the new matter.
- The amendment on which statement B is changed to X in claim 2 constitutes addition of the new matter.
- Claim 3 has not been changed by the amendments.

Examiner's decision

The new matter is not added to claims 1 and 3 after the amendments, and thus said claims 1 and 3 after the amendments are included as the basis of the international preliminary examination.

The new matter has been added to claim 2 after the amendment, and thus said claim 2 after the amendment is not included as the basis of the international preliminary examination. The amendment to said claim is considered as not having been made, and claim 2 before the amendment is included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

- Claim 1: Claim 1 after the amendment = A'
- Claim 2: Claim 2 **before** the amendment = B
- Claim 3: Claim 3 after the amendment = C

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

- ☒ the claims:
Nos. 2 as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. 1, 3 received by this Authority on 23.06.2015
Nos. _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages _____
☒ the claims, Nos. 2 _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement B was changed to X in claim 2 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

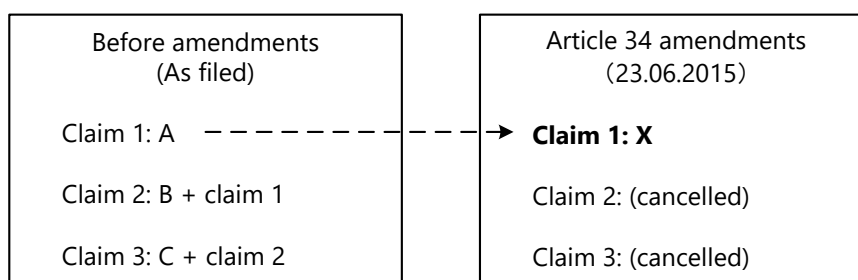
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 2, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 2 as originally filed.

Example 4: Cases where the new matter has been added to the claims after the amendments

(Cases where the claim of the same number did exist before the amendments (3))



Premise

- The amendment on which statement A is changed to X in claim 1 constitutes addition of the new matter.
- Claims 2 and 3 have not been cancelled by the amendments.

Examiner's decision

The new matter has been added to claim 1 after the amendment, and thus said claim 1 after the amendment is not included as the basis of the international preliminary examination. The amendment to said claim is considered as not having been made, and claim 1 before the amendment is included as the basis of the international preliminary examination.

In addition, claims 2 and 3 are not included as the basis of the international preliminary examination since they have been cancelled.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 **before** the amendment = A

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the claims:
Nos. 1 as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. _____ received by this Authority on _____
Nos. _____ received by this Authority on _____

Item 3

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☒ the claims, Nos. 2-3
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

- ☐ the description, pages _____
☒ the claims, Nos. 1
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

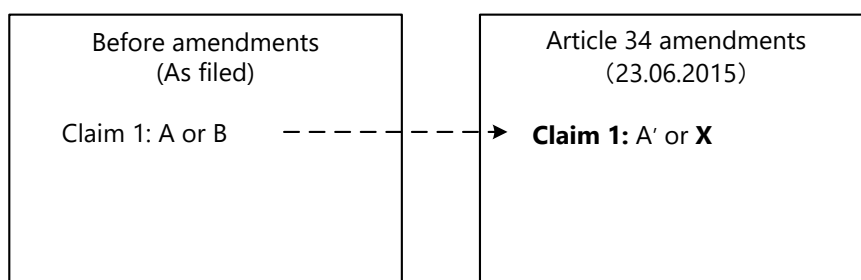
Statement A was changed to X in claim 1 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 1, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 1 as originally filed.

Example 5: Cases where the new matter has been added to the claims after the amendments
(Cases where the claim of the same number did exist before the amendments (4))



Premise

- The amendment on which statement A is changed to A' in claim 1 does not constitute addition of the new matter, but the amendment on which statement B is changed to X in claim 1 constitutes addition of the new matter.

Examiner's decision

The new matter has been added to claim 1 after the amendment, and thus said claim 1 after the amendment is not included as the basis of the international preliminary examination. The amendment to said claim is considered as not having been made, and claim 1 before the amendment is included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 **before** the amendment = A or B

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):
- ☒ the international application as originally filed/furnished

Item 4

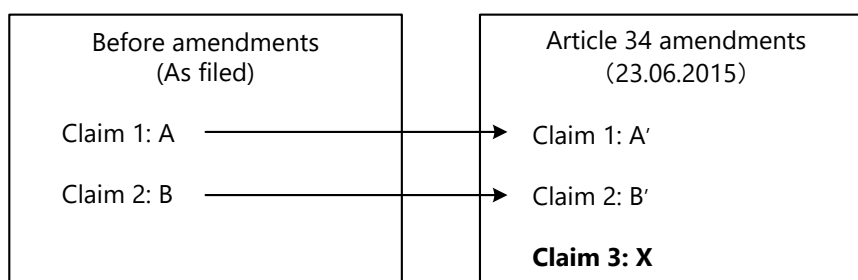
4. <input checked="" type="checkbox"/>	This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
<input type="checkbox"/>	the description, pages _____
<input checked="" type="checkbox"/>	the claims, Nos. <u> 1 </u> _____
<input type="checkbox"/>	the drawings, sheets/figs _____
<input type="checkbox"/>	the sequence listing (<i>specify</i>): _____

Supplemental Box

Continuation of:	<div style="border: 1px dashed black; padding: 2px;">Box No. I</div>
 <i>Continuation of item 4 of Box No. I</i> Statement B was changed to X in claim 1 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015. However, ... Therefore, the amendment stated above goes beyond the disclosure in the international application as filed. With regard to claim 1, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 1 as originally filed.	

Example 6: Cases where the new matter has been added to the claims after the amendments

(Cases where the claim of the same number did not exist before the amendments)



Premise

- The amendment on which statement A is changed to A' in claim 1, and the amendment on which statement B is changed to B' in claim 2 do not constitute addition of the new matter.
- The amendment on which statement X is newly added in claim 3 constitutes addition of the new matter.

Examiner's decision

The new matter is not added to claims 1 and 2 after the amendments, and thus said claims 1 and 2 after the amendments are included as the basis of the international preliminary examination.

The new matter has been added to claim 3 after the amendment, and thus said claim 3 after the amendment is not included as the basis of the international preliminary examination. In addition, no claim is included as the basis of the international preliminary examination since the claim of the same number did not exist before the amendment.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 after the amendment = A'

Claim 2: Claim 2 after the amendment = B'

Claim 3: None

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

- ☒ the claims:
Nos. _____ as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. 1-2 received by this Authority on 23.06.2015
Nos. _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages _____
☒ the claims, Nos. 3 _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement X was newly added in claim 3 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

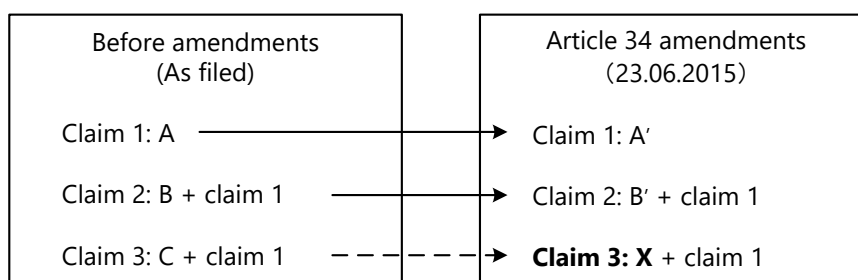
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

This opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 1 and 2 after amendments.

Example 7: Cases where the new matter has been added to the claims after the amendments

**(Cases where other claim is cited by the claim before the amendment
 (1))**



Premise

- The amendment on which statement A is changed to A' in claim 1, and the amendment on which statement B is changed to B' in claim 2 do not constitute addition of the new matter.
- The amendment on which statement C is changed to X in claim 3 constitutes addition of the new matter.

Examiner's decision

The new matter is not added to claims 1 and 2 after the amendments, and thus said claims 1 and 2 after the amendments are included as the basis of the international preliminary examination.

The new matter has been added to claim 3 after the amendment, and thus said claim 3 after the amendment is not included as the basis of the international preliminary examination. The amendment to said claim is considered as not having been made, and claim 3 before the amendment is included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 after the amendment = A'

Claim 2: Claim 2 after the amendment = B' + claim 1 after the amendment
 = B' + A'

Claim 3: Claim 3 **before** the amendment = C + claim 1 **before** the amendment
= C + A

It is interpreted that claim 1 which is cited in claim 3 before the amendment refers to claim 1 before the amendment.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the claims:
Nos. 3 as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. 1-2 received by this Authority on 23.06.2015
Nos. _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages _____

☒ the claims, Nos. 3

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

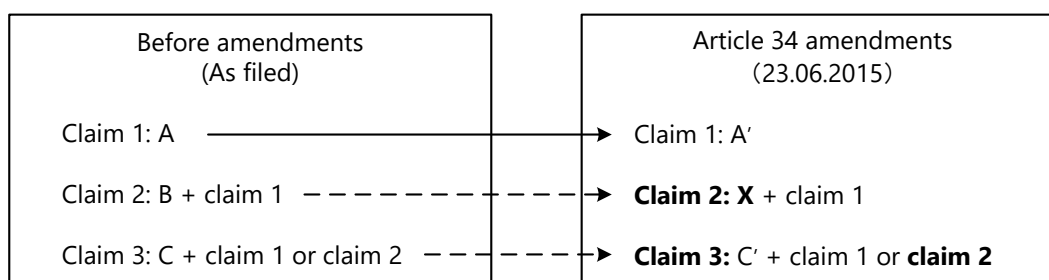
Statement C was changed to X in claim 3 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 3, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 3 as originally filed. In this regard, claim 1 which is cited in claim 3 as originally filed refers to claim 1 as originally filed.

Example 8: Cases where the new matter has been added to the claims after the amendments
(Cases where other claim is cited by the claim before the amendment
(2))



Premise

- The amendment on which statement A is changed to A' in claim 1, and the amendment on which statement C is changed to C' in claim 3 do not constitute addition of the new matter.
- The amendment on which statement B is changed to X in claim 2 constitutes addition of the new matter.

Examiner's decision

The new matter is not added to claim 1 after the amendment, and thus said claim 1 after the amendment is included as the basis of the international preliminary examination.

The new matter has been added to claim 2 after the amendment as well as to claim 3 after the amendment citing said claim 2, and thus said claims 2 and 3 after the amendment are included as the basis of the international preliminary examination. The amendment to said claims is considered as not having been made, and claims 2 and 3 before the amendments are included as the basis of the international preliminary examination.

Therefore, the examiner decides the following claims as the basis of the international preliminary examination.

Claim 1: Claim 1 after the amendment = A'

Claim 2: Claim 2 **before** the amendment = B + claim 1 **before** the amendment
 = B + A

Claim 3: Claim 3 **before** the amendment

= C + claim 1 or claim 2 **before** the amendment = C + A, or C + A + B

It is interpreted that claim 1 or claim 2 which are cited in claim 2 or claim 3 before the amendments respectively refers to claim 1 or claim 2 before the amendments.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the claims:
Nos. 2-3 as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. 1 received by this Authority on 23.06.2015
Nos. _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages _____

☒ the claims, Nos. 2-3

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement B was changed to X in claim 2 and claim 3 which cites claim 2 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

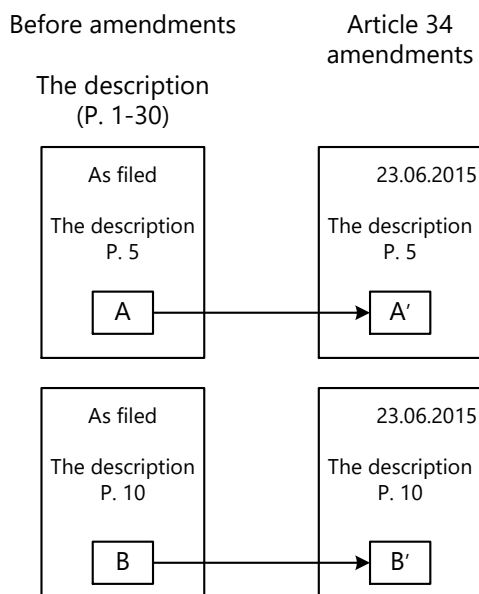
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 2 and 3, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 2 and 3 as originally filed. In this regard, claim 1 or 2 which is cited in claim 2 or 3 as originally filed refers to claim 1 or 2 as originally filed.

C.2.2 Cases where amendments have been made to the description

Example 9: Cases where the new matter has not been added to the description after the amendments (1)



Premise

- The amendment on which statement A is changed to A' in page 5 of the description and the amendment on which statement B is changed to B' in page 10 of the description do not constitute addition of the new matter.

Examiner's decision

The new matter is not added to pages 5 and 10 of the description after the amendments, and thus said pages 5 and 10 of the description after the amendments are included as the basis of the international preliminary examination.

With respect to other pages of the description, the pages before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

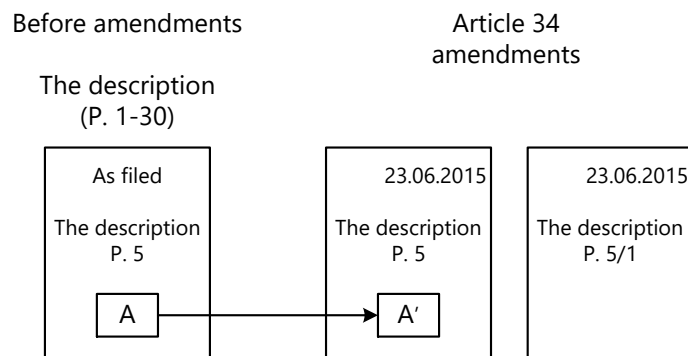
Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the description:
pages 1-4, 6-9, 11-30 as originally filed/furnished
pages 5, 10 received by this Authority on 23.06.2015
pages _____ received by this Authority on _____

Example 10: Cases where the new matter has not been added to the description after the amendments (2)



Premise

- The amendment on which statement A is changed to A' in page 5 of the description does not constitute addition of the new matter.
- Page 5/1 has been added as a continuation of page 5 accompanied by the amendment on which statement A is changed to A' in page 5 of the description.

Examiner's decision

The new matter is not added to pages 5 and 5/1 of the description after the amendment, and thus said pages 5 and 5/1 of the description after the amendment are included as the basis of the international preliminary examination.

With respect to other pages of the description, the pages before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. 1 in the WO/IPEA or IPER

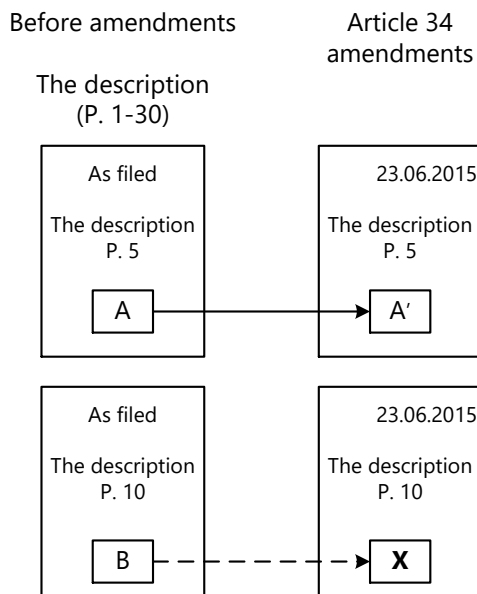
Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the description:
 pages 1-4, 6-30 as originally filed/furnished
 pages 5, 5/1 received by this Authority on 23.06.2015
 pages _____ received by this Authority on _____

- * If appropriate, the examiner also describes branch number of the description as basis of the report.

Example 11: Cases where the new matter has been added to the description after the amendments (1)



Premise

- The amendment on which statement A is changed to A' in page 5 of the description does not constitute addition of the new matter.
- The amendment on which statement B is changed to X in page 10 of the description constitutes addition of the new matter.

Examiner's decision

The new matter is not added to page 5 of the description after the amendments, and thus said page 5 of the description after the amendment is included as the basis of the international preliminary examination.

The new matter has been added to page 10 of the description after the amendment, and thus said page 10 of the description after the amendment is not included as the basis of the international preliminary examination. The amendment to said page is considered as not having been made, and page 10 of the description before the amendment is included as the basis of the international preliminary examination.

With respect to other pages of the description, the pages before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the description:
pages 1-4, 6-30 as originally filed/furnished
pages 5 received by this Authority on 23.06.2015
pages _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

- ☒ the description, pages 10
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement B was changed to X in page 10 of the description based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

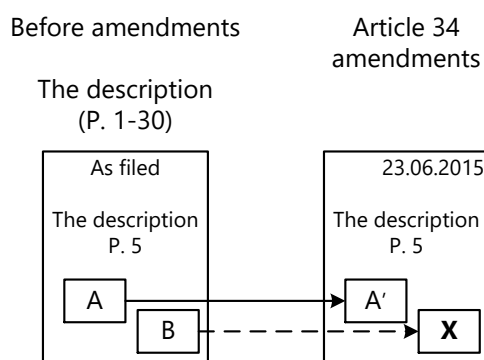
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to page 10 of the description, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of page 10 of the description as originally filed.

Example 12: Cases where the new matter has been added to the description after the amendments (2)

(Cases where the amendment which satisfies substantive requirements and the amendment which does not satisfy substantive requirements exist on the same page of the description after the amendment)



Premise

- Page 5 of the description contains amendments in two parts. If the applicant's explanations in the letter are taken into consideration, those amendments can be clearly distinguished as being different amendments.
- The amendment on which statement A is changed to A' in page 5 of the description does not constitute addition of the new matter, but the amendment on which statement B is changed to X in page 5 of the description constitutes addition of the new matter.

Examiner's decision

The new matter is added to page 5 of the description after the amendment. However, since the amendment which satisfies substantive requirements and the amendment which does not satisfy substantive requirements are contained in the same page, the amendment which does not satisfy substantive requirements (the amendment on which statement B is changed to X) is considered as not having been made, while page 5 of the description after the amendment is included to the basis of the international preliminary examination.

With respect to other pages of the description, the pages before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the description:
pages See Supplemental Box as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☒ the description, pages 5
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 2 of Box No. I

With regard to pages 1-4, 6-30 of the description, this opinion [report] has been established on the basis of those pages as originally filed.

With regard to page 5 of the description, this opinion [report] has been established on the basis of page 5 of the description received by this Authority on 29.09.2015. However, the amendment on which statement B is changed to X is considered as not having been made.

Continuation of item 4 of Box No. I

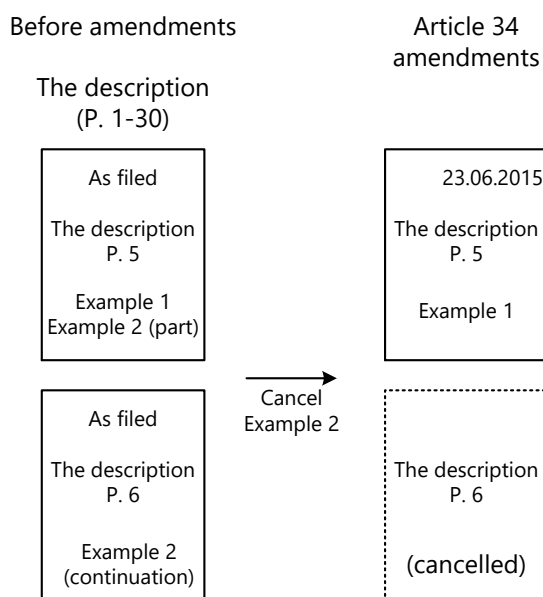
Statement A was changed to A' and statement B was changed to X in page 5 of the description based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

However, ...

Therefore, the amendment on which statement B is changed to X goes beyond the disclosure in the international application as filed.

With regard to page 5 of the description, this opinion [report] has been established on the basis of page 5 of the description after amendment, however, the amendment on which statement B is changed to X is considered as not having been made.

Example 13: Cases where a page of the description has been cancelled



Premise

- Example 1 and a part of example 2 are described in page 5 of the description before amendment, and continuation of example 2 is described in page 5 of the description before amendment.
- Page 6 of the description was cancelled by an amendment for the cancellation of example 2. However, this amendment does not constitute addition of the new matter.
- Cancellation of Page 6 of the description was explained in the letter submitted with amendments filed under Article 34.

Examiner's decision

The new matter is not added to page 5 of the description after the amendments, and thus said page 5 of the description after the amendment is included as the basis of the international preliminary examination.

Page 6 of the description is not included as the basis of the international preliminary examination since it was cancelled.

With respect to other pages of the description, the pages before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. 1 in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the description:
pages 1-4, 7-30 as originally filed/furnished
pages 5 received by this Authority on 23.06.2015
pages _____ received by this Authority on _____

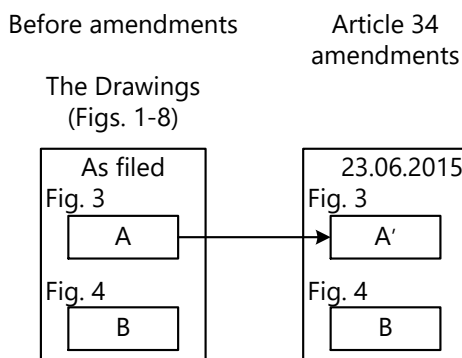
Item 3

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages 6
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____

C.2.3 Cases where amendments have been made to the drawings

Example 14: Cases where the new matter has not been added to the drawings after the amendments



Premise

- The amendment on which statement A is changed to A' in figure 3 does not constitute addition of the new matter.
- Figure 4 has not been changed by the amendments.

Examiner's decision

The new matter is not added to figure 3 and 4 after the amendments, and thus said figure 3 and 4 after the amendments are included as the basis of the international preliminary examination.

With respect to other figures, the figures before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the drawings:

~~sheets~~/figs 1-2, 5-8

as originally filed/furnished

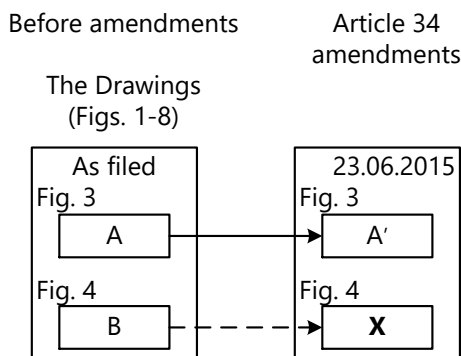
~~sheets~~/figs 3, 4

received by this Authority on 23.06.2015

~~sheets~~/figs

received by this Authority on

Example 15: Cases where the new matter has been added to the drawings after the amendments (1)



Premise

- The amendment on which statement A is changed to A' in figure 3 does not constitute addition of the new matter.
- The amendment on which statement B is changed to X in figure 4 constitutes addition of the new matter.

Examiner's decision

The new matter is not added to figure 3 after the amendment, and thus said figure 3 after the amendment is included as the basis of the international preliminary examination.

The new matter has been added to figure 4 after the amendment, and thus said figure 4 after the amendment is not included as the basis of the international preliminary examination. The amendment to said figure is considered as not having been made, and figure 4 before the amendment is included as the basis of the international preliminary examination.

With respect to other figures, the figures before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the drawings:

~~sheets~~/figs 1-2, 4-8 as originally filed/furnished

~~sheets~~/figs 3 received by this Authority on 23.06.2015

~~sheets~~/figs _____ received by this Authority on _____

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages _____

☐ the claims, Nos. _____

☒ the drawings, ~~sheets~~/figs 4

☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

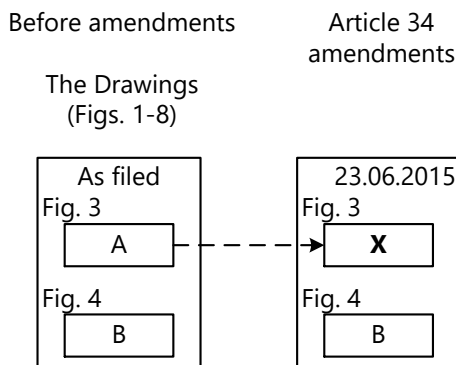
Statement B was changed to X in figure 4 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to figure 4, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of figure 4 as originally filed.

Example 16: Cases where the new matter has been added to the drawings after the amendments (2)



Premise

- The amendment on which statement A is changed to X in figure 3 constitutes addition of the new matter.
- Figure 4 has not been changed by the amendments.

Examiner's decision

The new matter has been added to figure 3 after the amendment, and thus said figure 3 after the amendment is not included as the basis of the international preliminary examination. The amendment to said figure is considered as not having been made, and figure 3 before the amendment is included as the basis of the international preliminary examination.

The new matter is not added to figure 4 after the amendment, and thus said figure 4 after the amendment is included as the basis of the international preliminary examination.

With respect to other figures, the figures before the amendment are added to the basis of the international preliminary examination since amendment has not been made to them.

Statements of Box No. I in the WO/IPEA or IPER

Item 2

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☒ the drawings:

~~sheets~~/figs 1-3, 5-8 as originally filed/furnished

~~sheets~~/figs 4 received by this Authority on 23.06.2015

~~sheets~~/figs received by this Authority on

Item 4

4. ☒ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages

☐ the claims, Nos.

☒ the drawings, ~~sheets~~/figs 3

☐ the sequence listing (*specify*):

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

Statement A was changed to X in figure 3 based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 23.06.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to figure 3, this opinion [report] has been established as if the amendment stated above had not been made, and consequently, established on the basis of figure 3 as originally filed.

Appendix D

Case Examples of Annexes Attached to the IPER

Appendix D

Case Examples of Annexes Attached to the IPER

Table of Contents

D.1	Cases where amendments have been made to the claims.....	1
Example 1:	Cases where the amendments to the claims have been submitted only once, and all the amendments contained therein meet substantive requirements	1
Example 2:	Cases where the amendments to the claims have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements	3
Example 3:	Cases where the amendments to the claims have been submitted twice, and all the amendments contained therein satisfy substantive requirements	5
Example 4:	Cases where the amendments to the claims have been submitted twice, and the former amendments contain an amendment which does not meet substantive requirements	7
Example 5:	Cases where the amendments to the claims have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements	9
Example 6:	Cases where the amendments to the claims have been submitted twice, and both amendments contain an amendment which does not meet substantive requirements	12

D.2 Cases where amendments have been made to the description 15

Example 7:	Cases where the amendments to the description have been submitted only once, and all the amendments contained therein meet substantive requirements.....	15
Example 8:	Cases where the amendments to the description have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements	17
Example 9:	Cases where the amendments to the description have been submitted twice, and all the amendments contained therein satisfy substantive requirements (1).....	19
Example 10:	Cases where the amendments to the description have been submitted twice, and all the amendments contained therein satisfy substantive requirements (2).....	21
Example 11:	Cases where the amendments to the description have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements (1).....	23
Example 12:	Cases where the amendments to the description have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements (2).....	26
Example 13:	Cases where the amendments to the description have been submitted twice, and both amendments contain an amendment which does not meet substantive requirements	29

D.3 Cases where amendments have been made to the drawings..... 32

Example 14:	Cases where the amendments to the drawings have been submitted only once, and all the amendments contained therein meet substantive requirements	32
Example 15:	Cases where the amendments to the drawings have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements	34

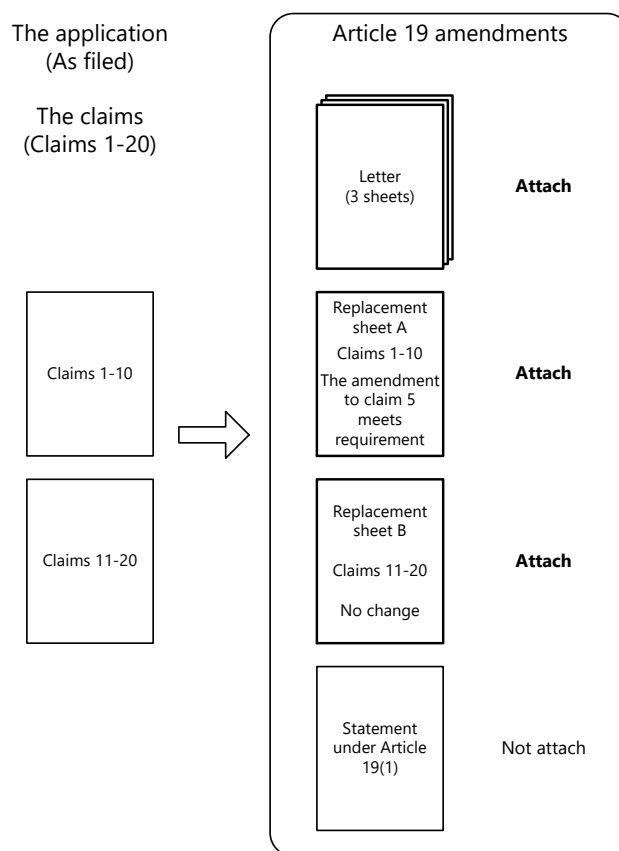
D.4 Cases where a request for rectification of obvious mistakes has been submitted	36
Example 16: Cases where only a request for rectification of obvious mistakes has been submitted.....	36
Example 17: Cases where a request for rectification of obvious mistakes has been submitted after submission of amendments to the claims.....	38
Example 18: Cases where a request for rectification of obvious mistakes has been submitted after submission of amendments to the description	40

The examples indicated below are pertinent to annexes attached to the IPER¹.

See Chapter 3 for ideas concerning annexes attached to the IPER. → [§ 3.11](#)

D.1 Cases where amendments have been made to the claims

Example 1: Cases where the amendments to the claims have been submitted only once, and all the amendments contained therein meet substantive requirements



Premise

- Claim 5 has been amended by the amendment under Article 19, and the amendment meets substantive requirements.

¹ In examples shown below, no amendment and request for rectification are deemed to be submitted other than that expressly described in examples. In addition, it is deemed that there is no claim depends on amended or rectified claim.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

When the claims are amended, replacement sheets containing a complete set of claims and letter are attached. Thus, replacement sheet B is attached although claims 11-20 are not changed by the amendments.

“Statement under Article 19(1)” is not attached since it does not correspond to letter. → [§ 3.11 \(1\) Notes 1](#)

As described above, the annexes to be attached are five sheets in total (= letter (three sheets) + replacement sheets A and B (two sheets)).

Statements of IPER

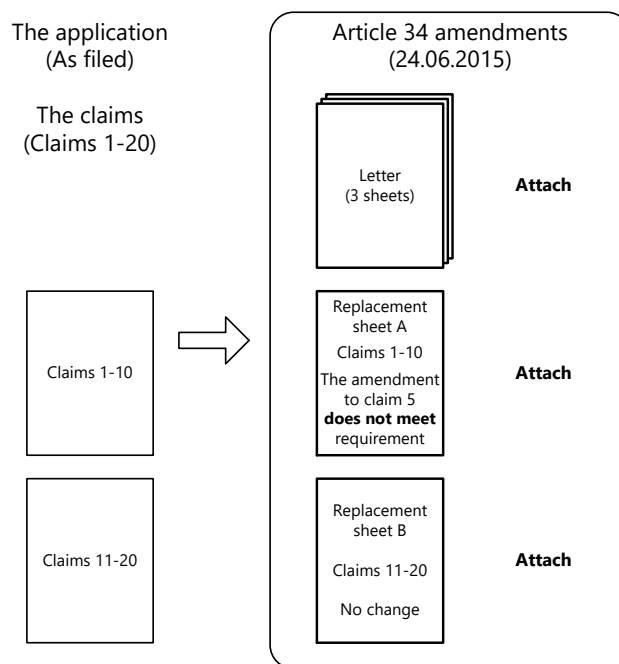
Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/> the claims: Nos. _____ as originally filed/furnished.
Nos.* <u>1-20</u> _____ as amended (together with any statement) under Article 19
Nos.* _____ received by this Authority on _____

Example 2: Cases where the amendments to the claims have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements



Premise

- Claim 5 has been amended by the amendment under Article 34, but the amendment does not meet substantive requirements.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

When the claims are amended, replacement sheets containing a complete set of claims and letter are attached. Thus, replacement sheet B is attached although claims 11-20 are not changed by the amendments.

As described above, the annexes to be attached are five sheets in total (= letter (three sheets) + replacement sheets A and B (two sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3.	This report is also accompanied by ANNEXES, comprising:
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:
	<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
	<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
	<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2.	With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/>	the claims: Nos. <u>5</u> as originally filed/furnished.
	Nos.* _____ as amended (together with any statement) under Article 19
	Nos.* <u>1-4, 6-20</u> received by this Authority on <u>24.06.2015</u>

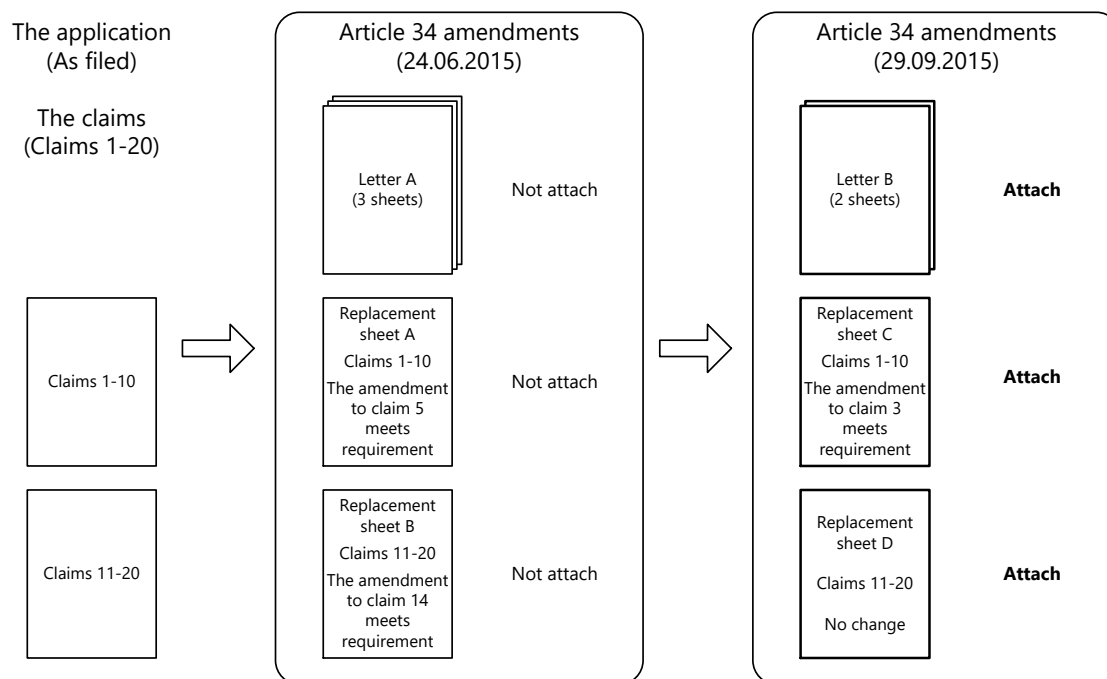
Item 4 of Box No. I

4.	<input checked="" type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
	<input type="checkbox"/> the description, pages _____
	<input checked="" type="checkbox"/> the claims, Nos. <u>5</u>
	<input type="checkbox"/> the drawings, sheets/figs _____
	<input type="checkbox"/> the sequence listing (<i>specify</i>): _____

Supplemental Box

Continuation of:	<div style="border: 1px dashed black; padding: 2px;">Box No. I</div>
<i>Continuation of item 4 of Box No. I</i>	
<p>The words "... in claim 5 were changed to "... based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 24.06.2015.</p> <p>However, ...</p> <p>Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.</p> <p>With regard to claim 5, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 5 as originally filed.</p>	

Example 3: Cases where the amendments to the claims have been submitted twice, and all the amendments contained therein satisfy substantive requirements



Premise

- Claim 5 and claim 14 have been amended by the amendments under Article 34 received on 24.06.2015, and both amendments meet substantive requirements.
- Claim 3 has been amended by the amendment under Article 34 received on 29.09.2015, and the amendment meets substantive requirements.

Examiner's decision

Replacement sheets A and B have been superseded by replacement sheets C and D which are submitted at a later time, and the amendments on replacement sheets C and D meet substantive requirements. Thus, replacement sheets A and B are not attached.

In addition, letter A is not attached since all replacement sheets submitted with letter A (replacement sheets A and B) are not attached.

Replacement sheets C, D, and letter B are attached.

When the claims are amended, replacement sheets containing a complete set of claims and letter are attached. Thus, replacement sheet D is attached although claims 11-20 are not changed by the later amendments.

As described above, the annexes to be attached are four sheets in total (= letter B (two sheets) + replacement sheets C and D (two sheets)).

Statements of IPER

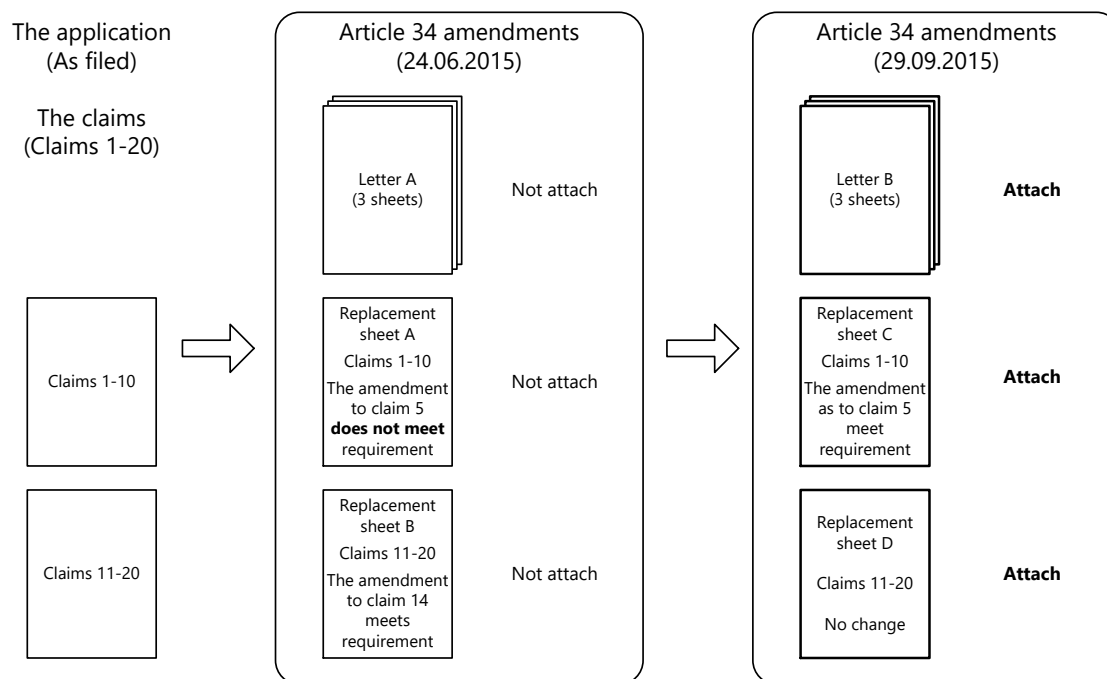
Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/> the claims: Nos. _____ as originally filed/furnished.
Nos.* _____ as amended (together with any statement) under Article 19
Nos.* <u>1-20</u> received by this Authority on <u>29.09.2015</u>

Example 4: Cases where the amendments to the claims have been submitted twice, and the former amendments contain an amendment which does not meet substantive requirements



Premise

- Claim 5 and claim 14 have been amended by the amendments under Article 34 received on 24.06.2015, and the amendment to claim 14 meets substantive requirements whereas the amendment to claim 5 does not meet substantive requirements.
- Claim 5 has been amended by the amendment under Article 34 received on 29.09.2015, and the amendment meets substantive requirements.

Examiner's decision

Replacement sheets A and B have been superseded by replacement sheets C and D which are submitted at a later time, and the amendments on replacement sheets C and D meet substantive requirements. Thus, replacement sheets A and B are not attached.

In addition, letter A is not attached since all replacement sheets submitted with letter A (replacement sheets A and B) are not attached.

Replacement sheets C, D, and letter B are attached.

When the claims are amended, replacement sheets containing a complete set of

claims and letter are attached. Thus, replacement sheet D is attached although claims 11-20 are not changed by the later amendments.

As described above, the annexes to be attached are five sheets in total (= letter B (three sheets) + replacement sheets C and D (two sheets)).

Statements of IPER

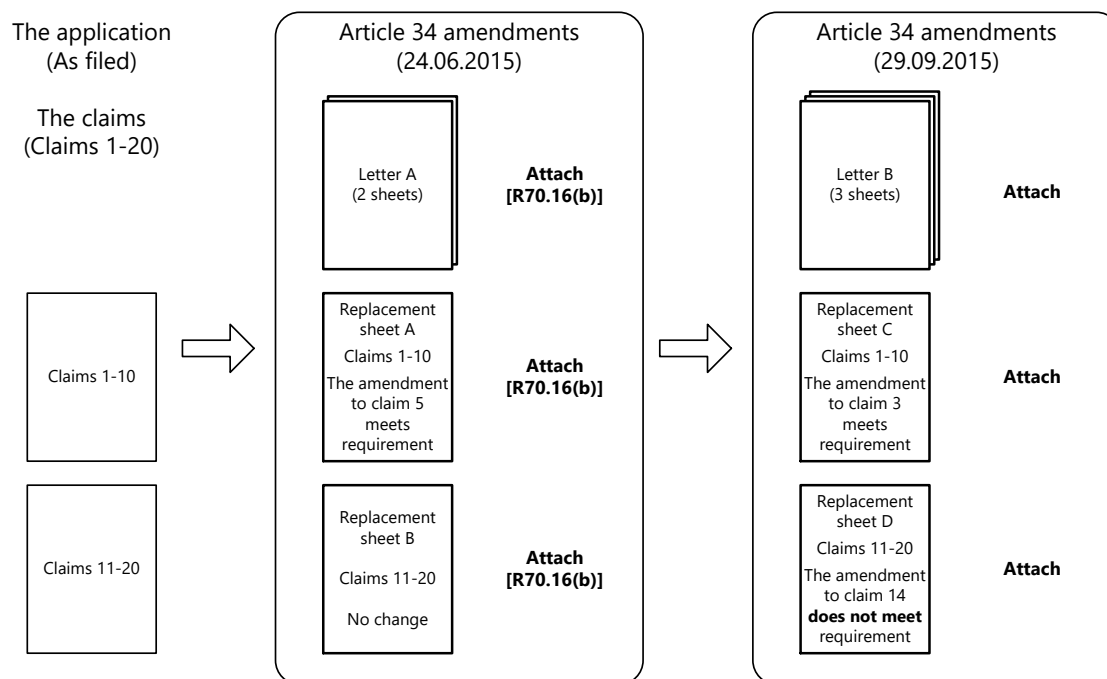
Item 3.a. of the cover sheet

<p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <div style="margin-left: 20px;"> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).</p> <p><input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).</p> </div>

Item 2 of Box No. I

<p>2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p>
<p><input checked="" type="checkbox"/> the claims: Nos. _____ as originally filed/furnished.</p> <p style="margin-left: 40px;">Nos.* _____ as amended (together with any statement) under Article 19</p> <p style="margin-left: 40px;">Nos.* <u>1-20</u> received by this Authority on <u>29.09.2015</u></p>

Example 5: Cases where the amendments to the claims have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements



Premise

- Claim 5 has been amended by the amendment under Article 34 received on 24.06.2015, and the amendment meets substantive requirements.
- Claim 3 and claim 14 have been amended by the amendments under Article 34 received on 29.09.2015, and the amendment to claim 3 meets substantive requirements whereas the amendment to claim 14 does not meet substantive requirements.

Examiner's decision

Replacement sheets A and B have been superseded by replacement sheets C and D which are submitted at a later time, but replacement sheet B is attached since the amendment on replacement sheet D does not meet substantive requirements. In addition, replacement sheet A and letter A are attached as well, since replacement sheets containing a complete set of claims and letter are attached when the claims are amended.

Furthermore, replacement sheets C, D, and letter B are attached as well.

Since replacement sheets A and B have been superseded by the replacement sheets

which are submitted at a later time, write down “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))” in the middle of the bottom margin of each superseded replacement sheet. Likewise, write down “ACCOMPANYING LETTER (RULE 70.16(b))” in the letter A.

As described above, the annexes to be attached are nine sheets in total (= letter A (two sheets) + letter B (three sheets) + replacement sheets A-D (four sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 9 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).

☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).

☒ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box (see Rule 70.16(b)).

* In the case where replacement sheets and letter under PCT Rule 70.16(b) are attached, the examiner checks the lowest box.

Item 2 of Box No. 1

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the claims: Nos. See supplemental box as originally filed/furnished.
Nos.* _____ as amended (together with any statement) under Article 19
Nos.* _____ received by this Authority on _____

Item 4 of Box No. 1

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages _____

☒ the claims, Nos. 14 _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 2 of Box No. I

With regard to claim 14, this report has been established on the basis of the claim 14 received by this Authority on 24.06.2015.

With regard to claims 1-13 and 15-20, this report has been established on the basis of those claims received by this Authority on 29.09.2015.

Continuation of item 4 of Box No. I

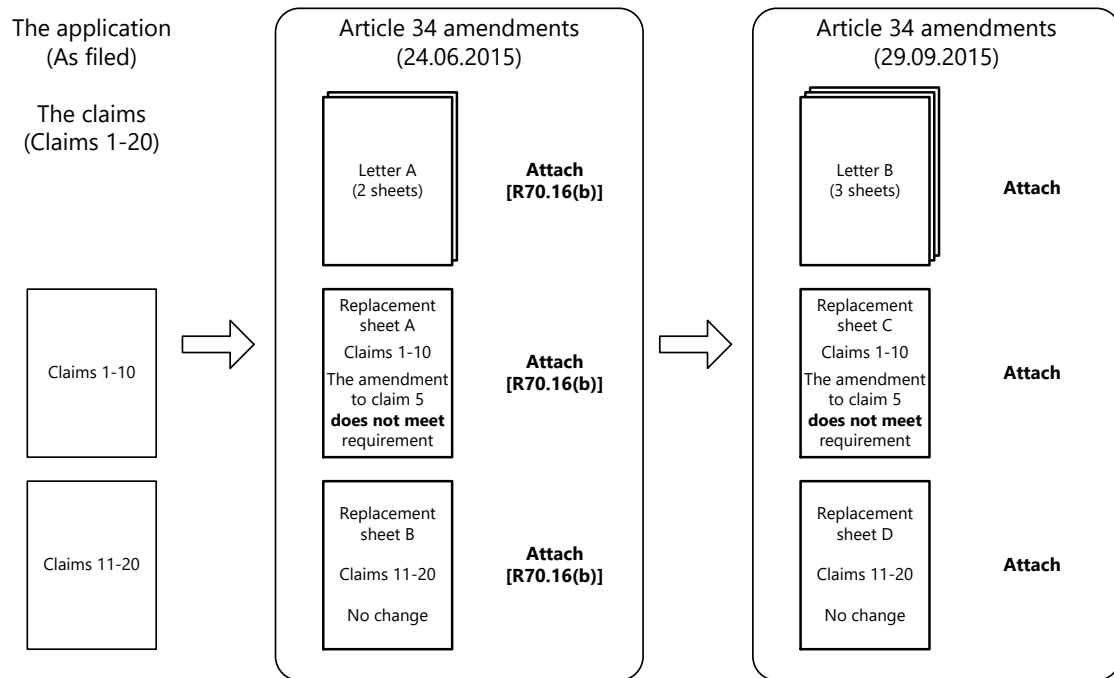
The words “...” in claim 14 were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 29.09.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to claim 14, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of claim 14 received by this Authority on 24.06.2015.

Example 6: Cases where the amendments to the claims have been submitted twice, and both amendments contain an amendment which does not meet substantive requirements



Premise

- Claim 5 has been amended by the amendment under Article 34 received on 24.06.2015, but the amendment does not meet substantive requirements.
- Claim 5 has been amended by the amendment under Article 34 received on 29.09.2015, but the amendment does not meet substantive requirements.

Examiner's decision

Replacement sheets A and B have been superseded by replacement sheets C and D which are submitted at a later time, but replacement sheet A is attached since the amendment on replacement sheet C does not meet substantive requirements. In addition, replacement sheet B and letter A are attached as well, since replacement sheets containing a complete set of claims and letter are attached when the claims are amended.

Furthermore, replacement sheets C and D, and letter B are attached as well.

Since replacement sheets A and B have been superseded by the replacement sheets which are submitted at a later time, write down "SUPERSEDED REPLACEMENT

SHEET (RULE 70.16(b))” in the middle of the bottom margin of each superseded replacement sheet. Likewise, write down “ACCOMPANYING LETTER (RULE 70.16(b))” in the letter A.

As described above, the annexes to be attached are nine sheets in total (= letter A (two sheets) + letter B (three sheets) + replacement sheets A-D (four sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3.	This report is also accompanied by ANNEXES, comprising:
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>9</u> sheets, as follows:
	<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
	<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
	<input checked="" type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

* In the case where replacement sheets and letter under PCT Rule 70.16(b) are attached, the examiner checks the lowest box.

Item 2 of Box No. I

2.	With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/>	the claims: Nos. <u>5</u> as originally filed/furnished.
	Nos.* _____ as amended (together with any statement) under Article 19
	Nos.* <u>1-4, 6-20</u> received by this Authority on <u>29.09.2015</u>

Item 4 of Box No. I

4.	<input checked="" type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
	<input type="checkbox"/> the description, pages _____
	<input checked="" type="checkbox"/> the claims, Nos. <u>5</u>
	<input type="checkbox"/> the drawings, sheets/figs _____
	<input type="checkbox"/> the sequence listing (<i>specify</i>): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

The words “...” in claim 5 were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 24.06.2015. In addition, the word was changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 29.09.2015.

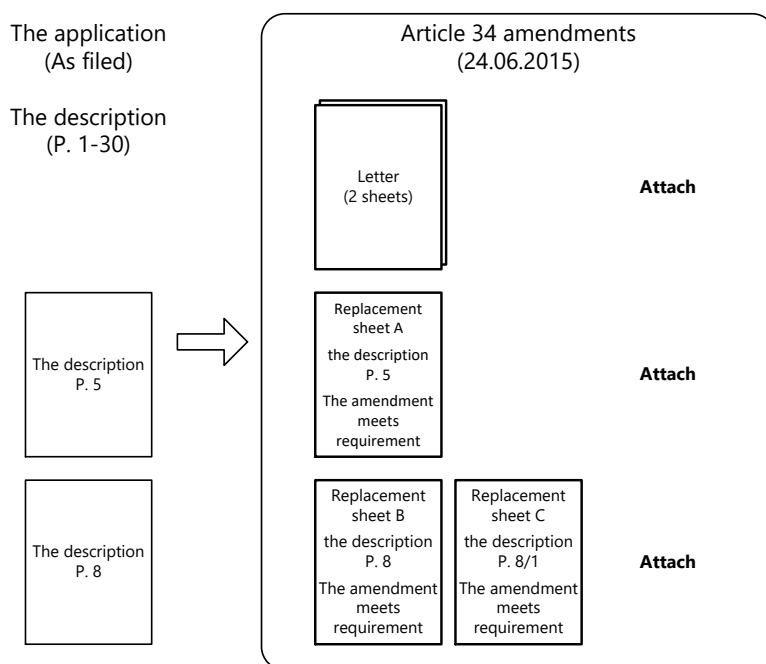
However, ...

Therefore, both amendments stated above go beyond the disclosure in the international application as filed.

With regard to claim 5, this report has been established as if both amendments stated above had not been made, and consequently, established on the basis of claim 5 as originally filed.

D.2 Cases where amendments have been made to the description

Example 7: Cases where the amendments to the description have been submitted only once, and all the amendments contained therein meet substantive requirements



Premise

- Pages 5 and 8 of the description have been amended by the amendments under Article 34, and both amendments meet substantive requirements.
- Page 8/1 has been added as a continuation of page 8 accompanied by the amendment to page 8 of the description.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

As described above, the annexes to be attached are five sheets in total (= letter (two sheets) + replacement sheets A - C (three sheets)).

Statements of IPER

Item 3.a. of the cover sheet

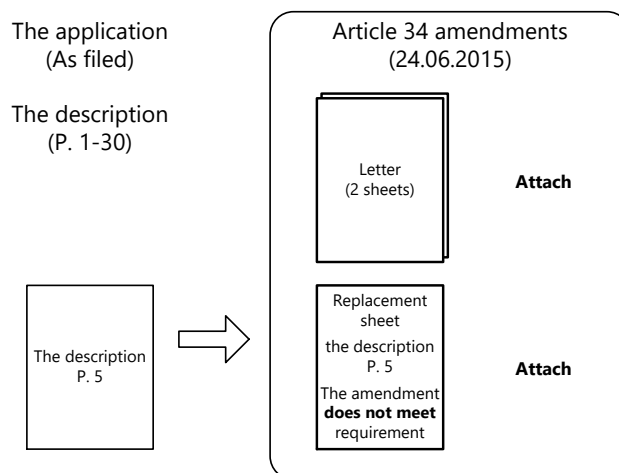
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:	
<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/>	sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/>	superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i> :	
<input checked="" type="checkbox"/>	the description: pages <u>1-4, 6-7, 9-30</u> as originally filed/furnished.
	pages* <u>5, 8, 8/1</u> received by this Authority on <u>24.06.2015</u>
	pages* _____ received by this Authority on _____

- * If appropriate, the examiner also describes branch number of the description as basis of the report.

Example 8: Cases where the amendments to the description have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements



Premise

- Page 5 of the description has been amended by the amendment under Article 34, but the amendment does not meet substantive requirements.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

As described above, the annexes to be attached are three sheets in total (= letter (two sheets) + replacement sheet (one sheet)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau)	a total of <u>3</u> sheets, as follows:
<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/>	sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/>	superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☒ the international application as originally filed/furnished, or

Item 4 of Box No. I

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☒ the description, pages 5
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

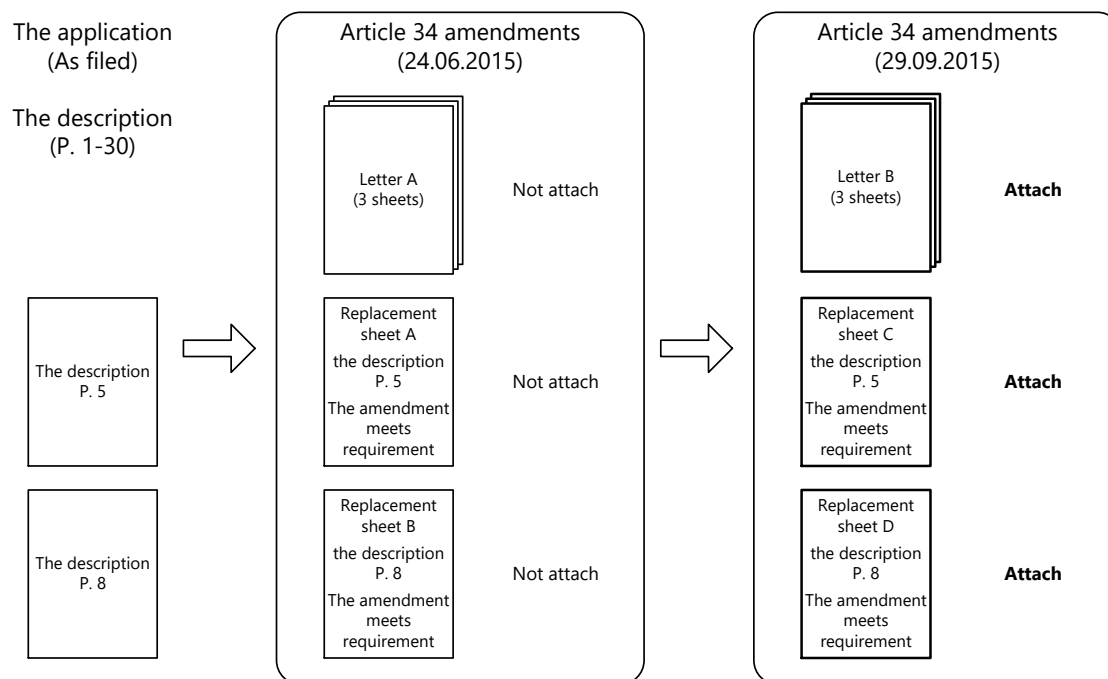
The words “...” in page 5 of the description were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 24.06.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to page 5 of the description, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of page 5 of the description as originally filed.

Example 9: Cases where the amendments to the description have been submitted twice, and all the amendments contained therein satisfy substantive requirements (1)



Premise

- Pages 5 and 8 of the description have been amended by amendments under Article 34 received on 24.06.2015 and 29.09.2015, and these amendments meet substantive requirements.

Examiner's decision

Replacement sheets A and B have been superseded by replacement sheets C and D which are submitted at a later time, and the amendments on replacement sheets C and D meet substantive requirements. Thus, replacement sheets A and B are not attached.

In addition, letter A is not attached since all replacement sheets submitted with letter A (replacement sheets A and B) are not attached.

Replacement sheets C and D, and letter B are attached.

As described above, the annexes to be attached are five sheets in total (= letter B (three sheets) + replacement sheets C and D (two sheets)).

Statements of IPER

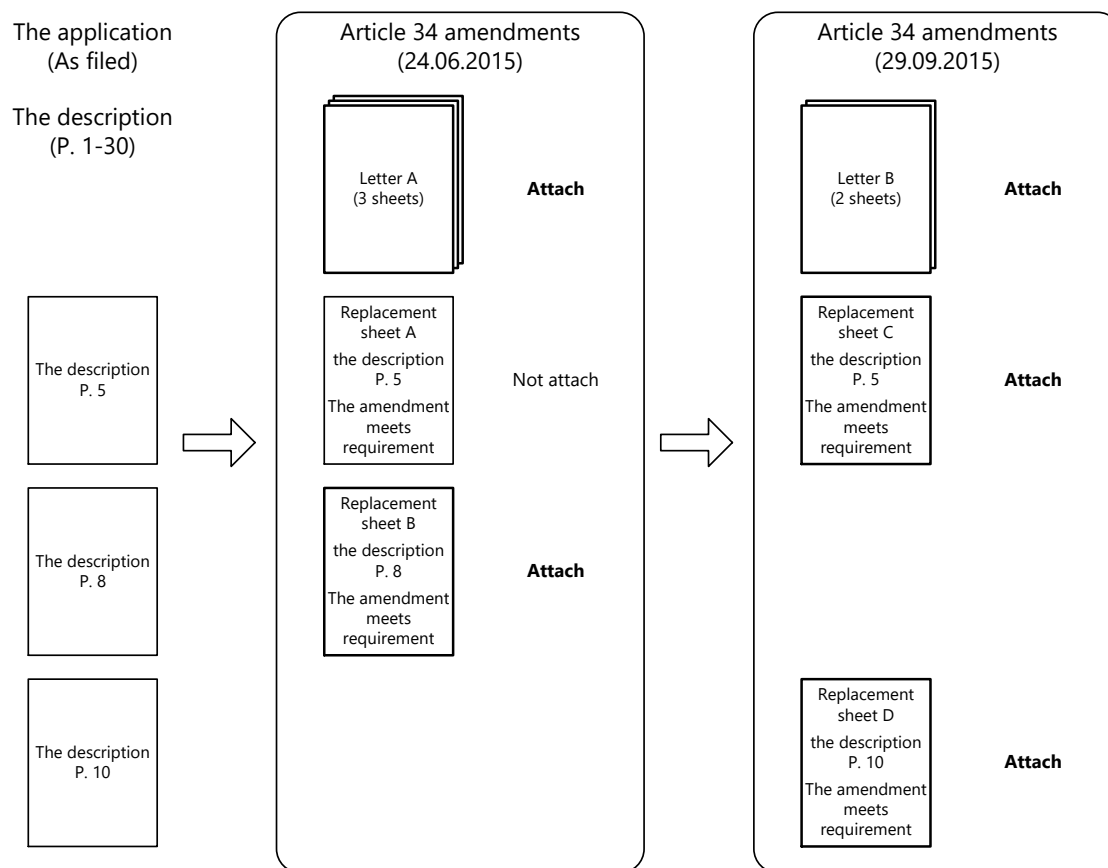
Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/>	(sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:
<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/>	sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/>	superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</i>	
<input checked="" type="checkbox"/>	the description: pages <u>1-4, 6-7, 9-30</u> as originally filed/furnished.
	pages* <u>5, 8</u> received by this Authority on <u>29.09.2015</u>
	pages* _____ received by this Authority on _____

Example 10: Cases where the amendments to the description have been submitted twice, and all the amendments contained therein satisfy substantive requirements (2)



Premise

- Pages 5 and 8 of the description have been amended by the amendments under Article 34 received on 24.06.2015, and these amendments meet substantive requirements.
- Pages 5 and 10 of the description have been amended by the amendments under Article 34 received on 29.09.2015, and these amendments meet substantive requirements.

Examiner's decision

Replacement sheet A has been superseded by replacement sheet C which is submitted at a later time, and the amendment on replacement sheet C meets substantive requirements. Thus, replacement sheets A is not attached.

Replacement sheets B - D, letter A and letter B are attached.

As described above, the annexes to be attached are eight sheets in total (= letter A (three sheets) + letter B (two sheets) + replacement sheets B - D (three sheets)).

Statements of IPER

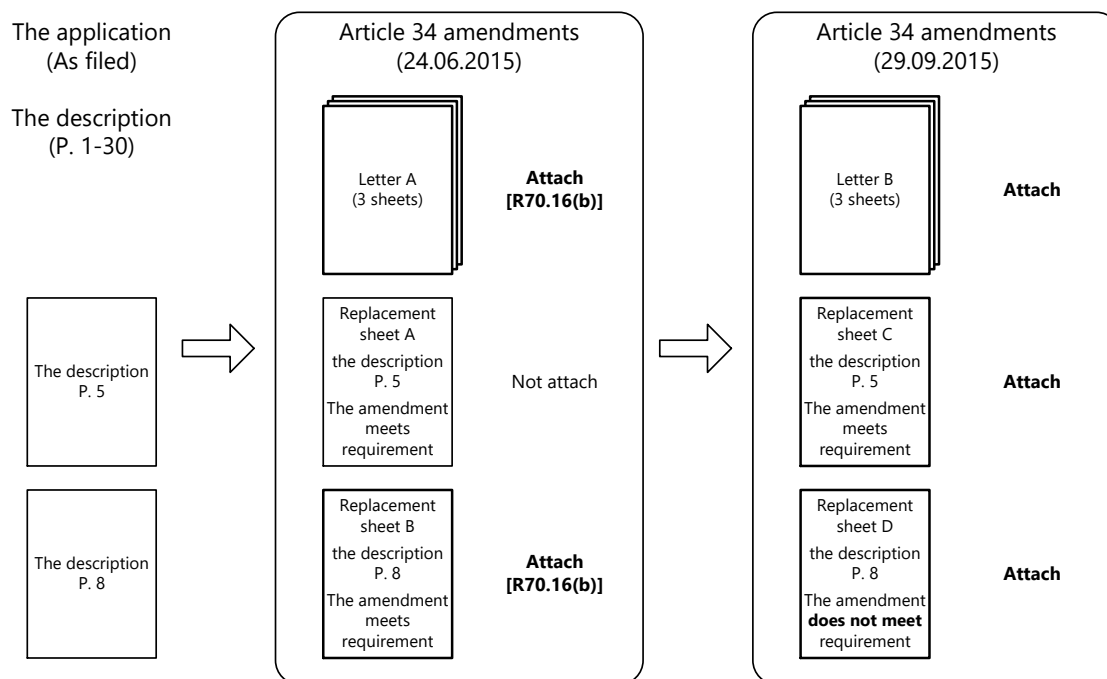
Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:	
<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/>	sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/>	superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):	
<input checked="" type="checkbox"/> the description: pages <u>1-4, 6-7, 9, 11-30</u>	as originally filed/furnished.
pages* <u>8</u>	received by this Authority on <u>24.06.2015</u>
pages* <u>5, 10</u>	received by this Authority on <u>29.09.2015</u>

Example 11: Cases where the amendments to the description have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements (1)



Premise

- Pages 5 and 8 of the description have been amended by the amendments under Article 34 received on 24.06.2015, and these amendments meet substantive requirements.
- Pages 5 and 8 of the description have been amended by the amendments under Article 34 received on 29.09.2015, and the amendment to page5 meets substantive requirements whereas the amendment to page 8 does not meet substantive requirements.

Examiner's decision

Replacement sheet A has been superseded by replacement sheet C which is submitted at a later time, and the amendment on replacement sheet C meets substantive requirements. Thus, replacement sheets A is not attached.

Replacement sheet B has been superseded by replacement sheet D which is submitted at a later time, but replacement sheet B and letter A is attached since the amendment on replacement sheet D does not meet substantive requirements.

In addition, replacement sheets C, D, and letter B are attached as well.

Since replacement sheet B has been superseded by the replacement sheet which is submitted at a later time, write down “SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))” in the middle of the bottom margin of superseded replacement sheet. Likewise, write down “ACCOMPANYING LETTER (RULE 70.16(b))” in the letter A.

As described above, the annexes to be attached are nine sheets in total (= letter A (three sheets) + letter B (three sheets) + replacement sheets B - D (three sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3.	This report is also accompanied by ANNEXES, comprising:
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>9</u> sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). <input checked="" type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

* In the case where replacement sheets and letter under PCT Rule 70.16(b) are attached, the examiner checks the lowest box.

Item 2 of Box No. I

2.	With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i> :
<input checked="" type="checkbox"/>	the description: pages <u>1-4, 6-7, 9-30</u> as originally filed/furnished.
	pages* <u>8</u> received by this Authority on <u>24.06.2015</u>
	pages* <u>5</u> received by this Authority on <u>29.09.2015</u>

Item 4 of Box No. I

4.	<input checked="" type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> the description, pages <u>8</u> <input type="checkbox"/> the claims, Nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (specify): _____
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Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

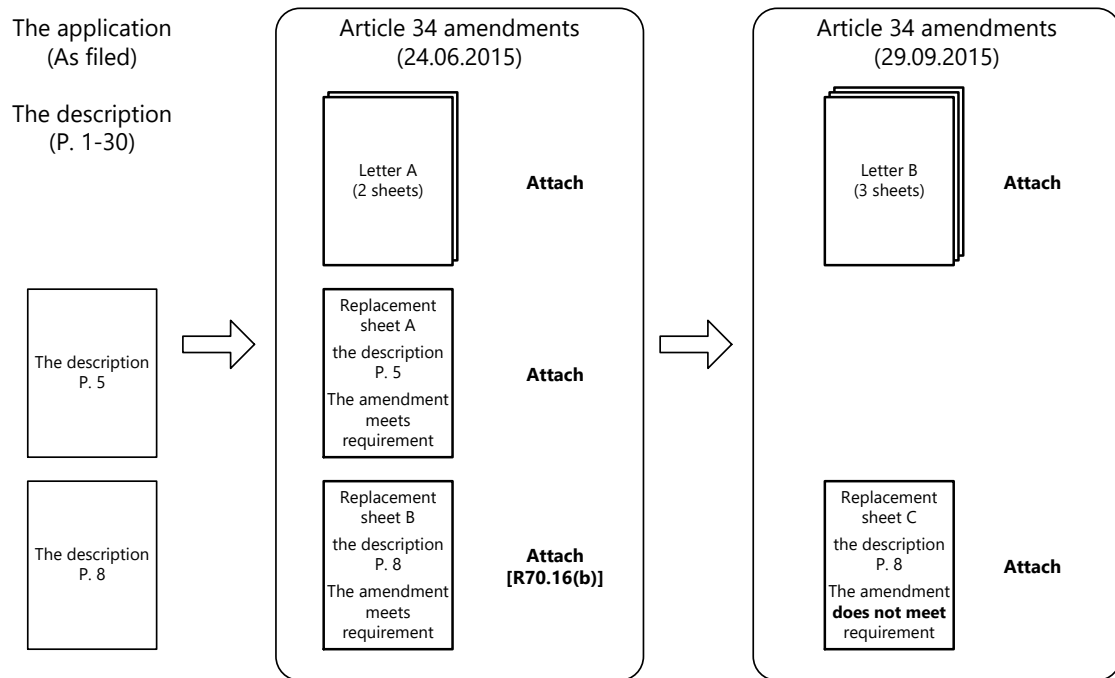
The words “...” in page 8 of the description were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 29.09.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to page 8 of the description, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of page 8 of the description received by this Authority on 24.06.2015.

Example 12: Cases where the amendments to the description have been submitted twice, and the latter amendments contain an amendment which does not meet substantive requirements (2)



Premise

- Pages 5 and 8 of the description have been amended by the amendments under Article 34 received on 24.06.2015, and these amendments meet substantive requirements.
- Page 8 has been amended by the amendment under Article 34 received on 29.09.2015, but the amendment does not meet substantive requirements.

Examiner's decision

Replacement sheet B have been superseded by replacement sheet C which is submitted at a later time, but replacement sheet B is attached since the amendment on replacement sheet C does not meet substantive requirements.

In addition, replacement sheets A, C, letter A and letter B are attached as well.

Since replacement sheet B has been superseded by the replacement sheet which is submitted at a later time, write down "SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))" in the middle of the bottom margin of superseded replacement sheet.

As described above, the annexes to be attached are eight sheets in total (= letter A (two sheets) + letter B (three sheets) + replacement sheets A - C (three sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input checked="" type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

- * In the case where replacement sheets and letter under PCT Rule 70.16(b) are attached, the examiner checks the lowest box.

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i> :
<input checked="" type="checkbox"/> the description: pages <u>1-4, 6-7, 9-30</u> as originally filed/furnished.
pages* <u>5, 8</u> received by this Authority on <u>24.06.2015</u>
pages* _____ received by this Authority on _____

Item 4 of Box No. I

4. <input checked="" type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
<input checked="" type="checkbox"/> the description, pages <u>8</u>
<input type="checkbox"/> the claims, Nos. _____
<input type="checkbox"/> the drawings, sheets/figs _____
<input type="checkbox"/> the sequence listing (specify): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

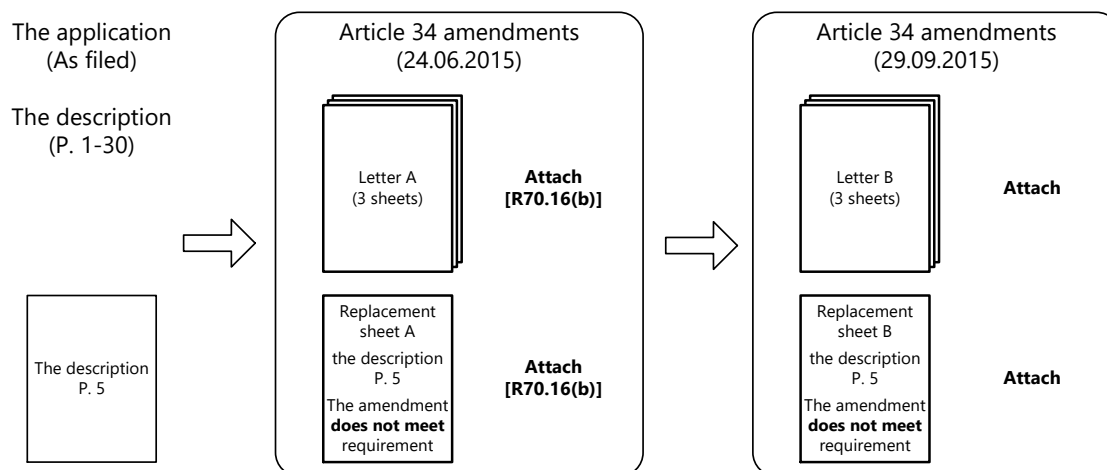
The words “...” in page 8 of the description were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 29.09.2015.

However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to page 8 of the description, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of page 8 of the description received by this Authority on 24.06.2015.

Example 13: Cases where the amendments to the description have been submitted twice, and both amendments contain an amendment which does not meet substantive requirements



Premise

- Page 5 of the description has been amended by the amendment under Article 34 received on 24.06.2015, but the amendment does not meet substantive requirements.
- Page 5 of the description has been amended by the amendment under Article 34 received on 29.09.2015, but the amendment does not meet substantive requirements.

Examiner's decision

Replacement sheet A have been superseded by replacement sheet B which is submitted at a later time, but replacement sheet A and letter A is attached since the amendment on replacement sheet B does not meet substantive requirements.

In addition, replacement sheet B, and letter B are attached as well.

Since replacement sheet A has been superseded by the replacement sheet which is submitted at a later time, write down "SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))" in the middle of the bottom margin of superseded replacement sheet. Likewise, write down "ACCOMPANYING LETTER (RULE 70.16(b))" in the letter A.

As described above, the annexes to be attached are eight sheets in total (= letter A (three sheets) + letter B (three sheets) + replacement sheets A and B (two sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input checked="" type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

- * In the case where replacement sheets and letter under PCT Rule 70.16(b) are attached, the examiner checks the lowest box.

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/> the international application as originally filed/furnished, or

Item 4 of Box No. I

4. <input checked="" type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
<input checked="" type="checkbox"/> the description, pages <u>5</u>
<input type="checkbox"/> the claims, Nos. _____
<input type="checkbox"/> the drawings, sheets/figs _____
<input type="checkbox"/> the sequence listing (<i>specify</i>): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

The words “...” in page 5 of the description were changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 24.06.2015. In addition, the word was changed to “...” based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 29.09.2015.

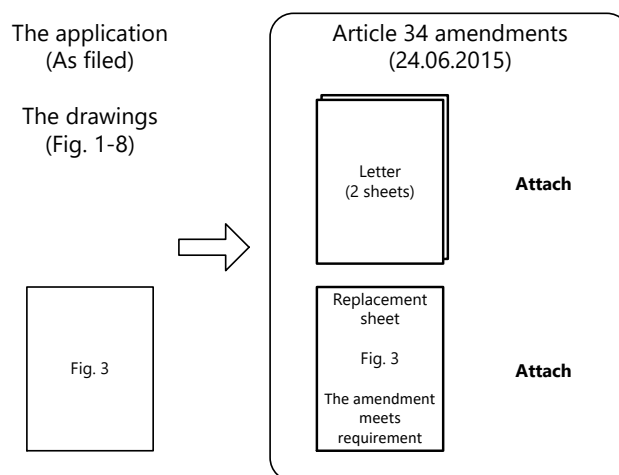
However, ...

Therefore, both amendments stated above go beyond the disclosure in the international application as filed.

With regard to page 5 of the description, this report has been established as if the amendments stated above had not been made, and consequently, established on the basis of page 5 as originally filed.

D.3 Cases where amendments have been made to the drawings

Example 14: Cases where the amendments to the drawings have been submitted only once, and all the amendments contained therein meet substantive requirements



Premise

- Figure 3 has been amended by the amendment under Article 34, and the amendment meets substantive requirements.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

As described above, the annexes to be attached are three sheets in total (= letter (two sheets) + replacement sheet (one sheet)).

Statements of IPER

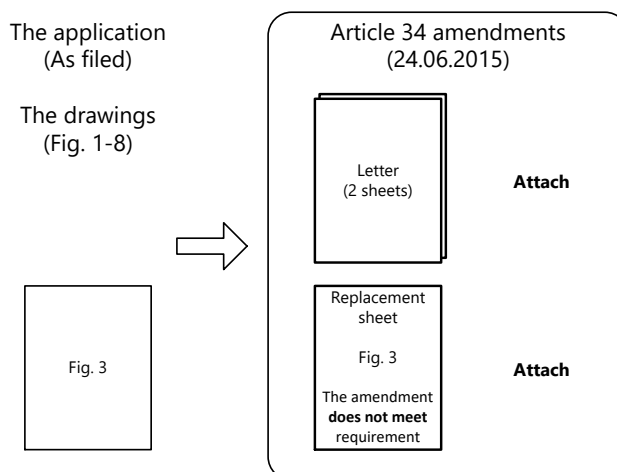
Item 3.a. of the cover sheet

3.	This report is also accompanied by ANNEXES, comprising:
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:
	<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
	<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
	<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2.	With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/>	the drawings: sheets/figs <u>1-2, 4-8</u> as originally filed/furnished.
	sheets/figs* <u>3</u> received by this Authority on <u>24.06.2015</u>
	sheets/figs* _____ received by this Authority on _____

Example 15: Cases where the amendments to the drawings have been submitted only once, and said amendments contain an amendment which does not satisfy substantive requirements



Premise

- Figure 3 has been amended by the amendment under Article 34, but the amendment does not meet substantive requirements.

Examiner's decision

In the cases where the amendments have been submitted only once, all replacement sheets and letter submitted for the amendments are attached regardless of whether or not the amendments contained therein meet substantive requirements.

As described above, the annexes to be attached are three sheets in total (= letter (two sheets) + replacement sheet (one sheet)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/>	(sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:
<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/>	sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/>	superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☒ the international application as originally filed/furnished, or

Item 4 of Box No. I

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

☐ the description, pages _____

☐ the claims, Nos. _____

☒ the drawings, sheets/figs 3

☐ the sequence listing (*specify*): _____

Supplemental Box

Continuation of: Box No. I

Continuation of item 4 of Box No. I

... in figure 3 were changed to ... based on the amendment filed under Article 34 and received by this International Preliminary Examining Authority on 24.06.2015.

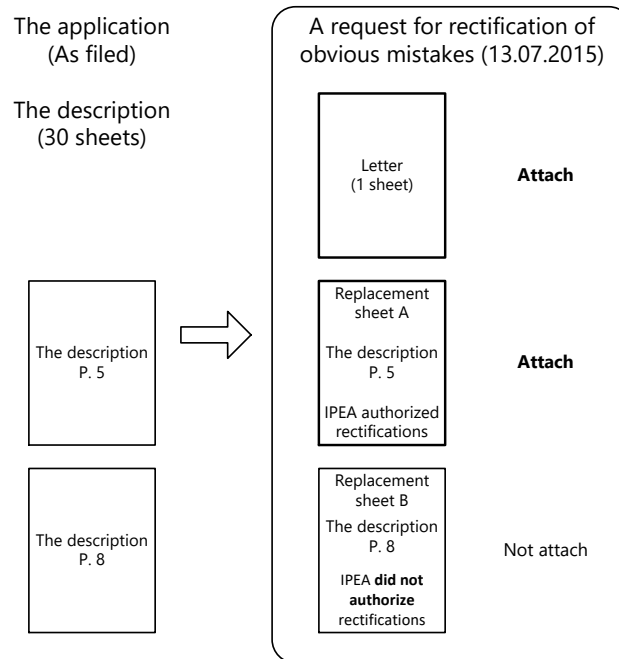
However, ...

Therefore, the amendment stated above goes beyond the disclosure in the international application as filed.

With regard to figure 3, this report has been established as if the amendment stated above had not been made, and consequently, established on the basis of figure 3 as originally filed.

D.4 Cases where a request for rectification of obvious mistakes has been submitted

Example 16: Cases where only a request for rectification of obvious mistakes has been submitted



Premise

- A request for rectification of obvious mistakes in pages 5 and 8 of the description as filed has been made, and the IPEA authorized the rectification in page 5 whereas the IPEA did not authorize the rectification in page 8.

Examiner's decision

In the cases where a request for rectification of obvious mistakes has been submitted only once, replacement sheets and letter submitted for the rectification authorized by the IPEA are attached.

Replacement sheet A and letter are attached since they were submitted for the rectification authorized by the IPEA.

Replacement sheet B is not attached since it was submitted for the rectification, but was not authorized by the IPEA.

As described above, the annexes to be attached are two sheets in total (= letter (one sheet) + replacement sheets A (one sheet)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

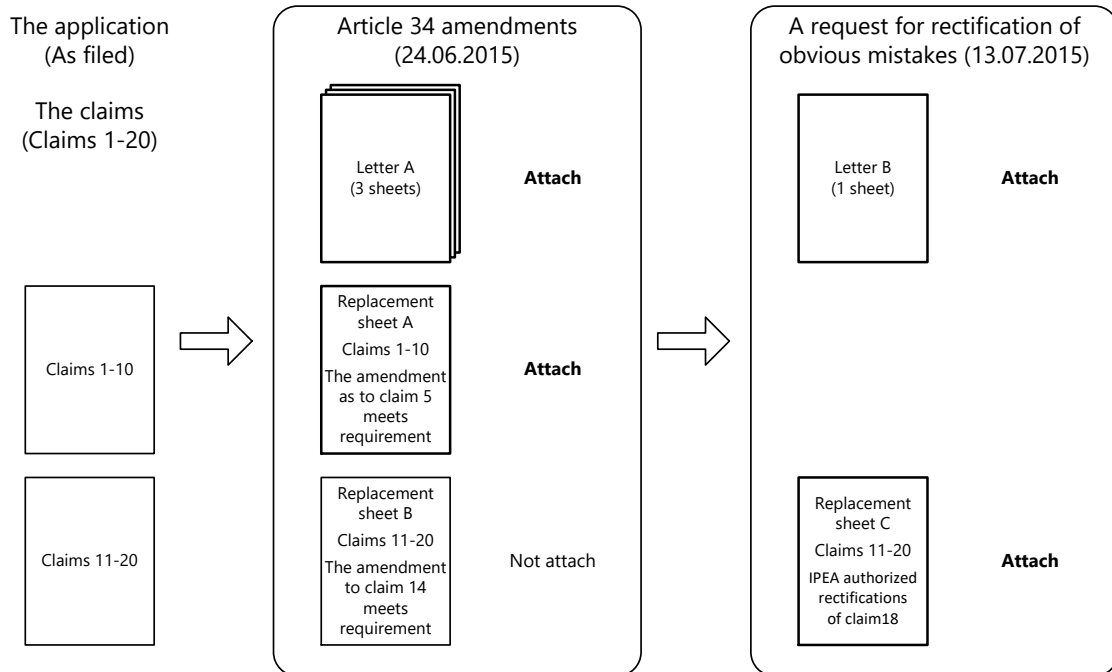
2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/> the international application as originally filed/furnished, or

- * In the cases where the IPEA authorized a request for rectification of obvious mistakes in the international application as filed, a replacement sheet submitted for the rectification deems to be a part of the international application as filed [R91.3(c)(i)]. Therefore, with regard to page 5, in which the rectification was authorized by the IPEA, the IPER shall be established on the basis of page 5 of the description as originally filed.

Item 5 of Box No. I

5. <input checked="" type="checkbox"/> This report has been established:
<input checked="" type="checkbox"/> taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
<input type="checkbox"/> without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.4bis and 70.2(e)).

Example 17: Cases where a request for rectification of obvious mistakes has been submitted after submission of amendments to the claims



Premise

- Claim 5 and claim 14 have been amended by the amendments under Article 34, and both amendments meet substantive requirements.
- With regard to claim 18 after submission of the amendments under Article 34, a request for rectification of obvious mistakes has been made, and the IPEA authorized the rectification.

Examiner's decision

Replacement sheet B has been superseded by replacement sheet C (replacement sheet submitted for the rectification authorized by the IPEA) which is submitted at a later time. Thus, replacement sheets B is not attached.

Replacement sheets A, C, letter A, and B are attached.

When the claims are amended, usually, replacement sheets containing a complete set of claims and letter are attached. However, replacement sheet B is not attached since it has been superseded by the replacement sheet submitted for rectification at a later time.

As described above, the annexes to be attached are six sheets in total (= letter A (three sheets) + letter B (one sheet) + replacement sheets A and C (two sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3.	This report is also accompanied by ANNEXES, comprising:
a.	<input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:
	<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
	<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
	<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

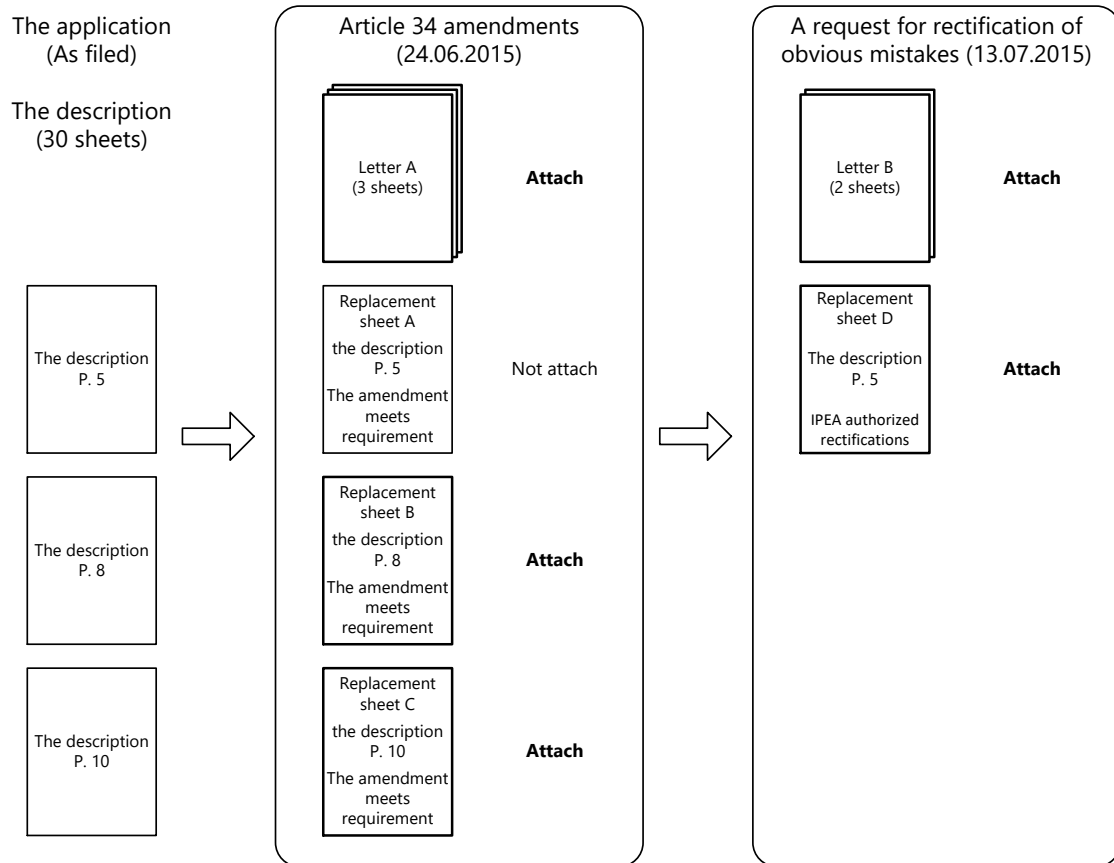
2.	With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<hr/>	
<input checked="" type="checkbox"/>	the claims: Nos. _____ as originally filed/furnished.
	Nos.* _____ as amended (together with any statement) under Article 19
	Nos.* <u>1-20</u> received by this Authority on <u>24.06.2015</u>

- * In the cases where the IPEA authorized a request for rectification of obvious mistakes in the amendments, a replacement sheet submitted for the rectification deems to be a part of the amendments as submitted [R91.3(c)(ii)]. Therefore, with regard to claim 18, in which the rectification was authorized by the IPEA, the IPER shall be established on the basis of claim 18 received by the IPEA on 24.06.2015.

Item 5 of Box No. I

5.	<input checked="" type="checkbox"/> This report has been established:
	<input checked="" type="checkbox"/> taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
	<input type="checkbox"/> without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.4bis and 70.2(e)).

Example 18: Cases where a request for rectification of obvious mistakes has been submitted after submission of amendments to the description



Premise

- Pages 5, 8 and 10 of the description have been amended by the amendments under Article 34, and all amendments meet substantive requirements.
- With regard to page 5 after submission of the amendments under Article 34, a request for rectification of obvious mistakes has been made, and the IPEA authorized the rectification.

Examiner's decision

Replacement sheet A has been superseded by replacement sheet D (replacement sheet submitted for the rectification authorized by the IPEA) which is submitted at a later time. Thus, replacement sheets A is not attached.

Replacement sheets B -D, letter A, and B are attached.

As described above, the annexes to be attached are eight sheets in total (= letter A (three sheets) + letter B (two sheets) + replacement sheets B - D (three sheets)).

Statements of IPER

Item 3.a. of the cover sheet

3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).
<input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).

Item 2 of Box No. I

2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):
<input checked="" type="checkbox"/> the description: pages <u>1-4, 6-7, 9, 11-30</u> as originally filed/furnished.
pages* <u>5, 8, 10</u> received by this Authority on <u>24.06.2015</u>
pages* _____ received by this Authority on _____

- * In the cases where the IPEA authorized a request for rectification of obvious mistakes in the amendments, a replacement sheet submitted for the rectification deems to be a part of the amendments as submitted [R91.3(c)(ii)]. Therefore, with regard to page 5, in which the rectification was authorized by the IPEA, the IPER shall be established on the basis of page 5 of the description received by the IPEA on 24.06.2015.

Item 5 of Box No. I

5. <input checked="" type="checkbox"/> This report has been established:
<input checked="" type="checkbox"/> taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
<input type="checkbox"/> without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.4bis and 70.2(e)).

