

Procedures to file a request to the JPO (Japan Patent Office) for Patent Prosecution Highway Pilot Program between the JPO and the CNIPA (China National Intellectual Property Administration)

The pilot period of this PPH pilot program will commence on November 1, 2011 and ending on October 31, 2028. The pilot period may be extended if necessary until the CNIPA and JPO receive the sufficient number of PPH requests to adequately assess the feasibility of PPH program.

The Offices may also terminate the PPH pilot program if the volume of participation exceeds manageable level, or for any other reason. Ex Ante notice will be published if the PPH pilot program is terminated.

Part I **PPH using the national work products from the CNIPA**

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the JPO and satisfies the following requirements under the JPO-CNIPA Patent Prosecution Highway (PPH) pilot program based on the CNIPA application.

When filing a request for the PPH pilot program, an applicant must submit a request form “The Explanation of Circumstances Concerning Accelerated Examination” based on the procedure prescribed in “the Guidelines of the Accelerated Examination and Appeal”¹. Under the PPH pilot program, an applicant is not required to fill in the section “2. the disclosure of prior arts and comparison between the claimed invention and prior art” in “The Explanation of Circumstances Concerning Accelerated Examination”.

1. Requirements

- (a) Both the JPO application on which PPH is requested and the CNIPA application(s) forming the basis of the PPH request shall have the same earliest date (whether this be a priority date or a filing date).**

For example, the JPO application (including PCT national phase application) may be either:

(Case I) an application which validly claims priority under the Paris Convention from the CNIPA application(s) (examples are provided in ANNEX I, Figures A, B, C, H, I and J), or

(Case II) an application which provides the basis of a valid priority claim under the Paris Convention for the CNIPA application(s) (including PCT national phase

¹ <https://www.jpo.go.jp/system/laws/rule/guideline/patent/document/index/guideline.pdf>

application(s)) (examples are provided in ANNEX I, Figures D and E), or (Case III) an application which shares a common priority document with the CNIPA application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures F, G, L, M and N), or (Case IV) a PCT national phase application where both the JPO application and the CNIPA application(s) are derived from a common PCT international application having no priority claim (an example is provided in ANNEX I, Figure K).

(b) At least one corresponding application exists in the CNIPA and has one or more claims that are determined to be patentable/allowable by the CNIPA.

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the CNIPA application which forms the basis of the priority claim (e.g., a divisional application of the CNIPA application or an application which claims domestic priority to the CNIPA application), or a CNIPA national phase application of a PCT application.

Claims are “determined to be patentable/allowable” when the CNIPA examiner explicitly identified the claims to be patentable/allowable in the latest office action, even if the application is not granted for patent yet.

The office action includes:

- (a) Decision to Grant a Patent,
- (b) First/Second/Third/…… Office Action,
- (c) Decision of Refusal,
- (d) Reexamination Decision, and
- (e) Invalidation Decision.

Claims are also “determined to be allowable/patentable” in the following circumstances: If the CNIPA office action does not explicitly state that a particular claim is patentable/allowable, the applicant must include explanation accompanying the request for participation in the PPH pilot program that no rejection has been made in the CNIPA office action regarding that claim, and therefore, the claim is deemed to be patentable/allowable by the CNIPA.

For example, if claims are not shown in the item of “6. the Opinion on the Conclusion of Examination (審查的結論性意見) about Claims (權利要求書)” in the “First Notice of the Opinion on Examination(第一次審查意見通知書)” or “5. the Opinion on the Conclusion of Examination (審查的結論性意見) about Claims (權利要求書)” in the “Second/Third/... Notice of the Opinion on Examination(第二次審查意見通知書)” of the CNIPA, those claims may be deemed to be implicitly identified to be patentable/allowable and then the applicant must include the above explanation.

- (c) All claims in the JPO application (for which an accelerated examination under the PPH pilot program is requested) must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the CNIPA.**

Claims are considered to “sufficiently correspond” where, accounting for differences due to translations and claim format, the claims in the JPO are of the same or similar scope as the claims in the CNIPA, or the claims in the JPO are narrower in scope than the claims in the CNIPA. In this regard, a claim that is narrower in scope occurs when a CNIPA claim is amended to be further limited by an additional technical feature that is supported in the specification (description and/or claims). A claim in the JPO which introduces a new/different category of claims to those claims determined to be patentable/allowable in the CNIPA is not considered to sufficiently correspond. For example, the CNIPA claims only contain claims to a process of manufacturing a product, then the claims in the JPO are not considered to sufficiently correspond if the JPO claims introduce product claims that are dependent on the corresponding process claims.

It is not necessary to include “all” claims determined to be patentable/allowable in the CNIPA in an application in the JPO (the deletion of claims is allowable). For example, in the case where an application in the CNIPA contains 5 claims determined to be patentable/allowable, the application in the JPO may contain only 3 of these 5 claims.

Any claims amended or added after the grant of the request for participation in the PPH pilot program need not to sufficiently correspond to the claims indicated as patentable/allowable in the CNIPA application.

- (d) The JPO has not begun examination of the application at the time of request for the PPH (an example is provided in ANNEX I, Figure O).**
- (e) A “Request for Substantive Examination” must have been filed at the JPO either at the time of the PPH request or previously.**

2. Documents to be submitted

Documents (a) to (d) below must be submitted by attaching to “The Explanation of Circumstances Concerning Accelerated Examination”.

Note that even when it is not needed to submit documents below, the name of the documents must be listed in “The Explanation of Circumstances Concerning Accelerated Examination” (Please refer to the Example form for the detail).

- (a) Copies of all office actions (which are relevant to substantial examination for patentability in the CNIPA), which were sent for the corresponding application by the CNIPA, and translations of them.**

Either Japanese or English is acceptable as translation language. Machine translation will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action due to insufficient translation, the examiner can request the applicant to resubmit translations.

The applicant does not have to submit copies of the office actions when those documents are provided via CNIPA's dossier access system². If they cannot be obtained by the JPO examiner via the CNIPA's dossier access system, the applicant may be notified and requested to provide them.

Note that the applicant needs to submit translations of the office actions because the CNIPA's dossier access system does not provide machine translation of the office actions now.

(b) Copies of all claims determined to be patentable/allowable by the CNIPA, and translations of them.

Either Japanese or English is acceptable as translation language. Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

The applicant does not have to submit copies of all claims determined to be patentable/allowable when the documents are provided via CNIPA's dossier access system³. If they cannot be obtained by the JPO examiner via the CNIPA's dossier access system, the applicant may be notified and requested to provide them.

Note that the applicant needs to submit translations of the claims because the CNIPA's dossier access system does not provide machine translation of the claims now.

(c) Copies of references cited by the CNIPA examiner

The documents to be submitted are those cited in the above-mentioned office actions. Documents which are only referred to as references and consequently do not consist of the reasons for refusal do not have to be submitted.

If the references are patent documents, the applicant doesn't have to submit them because the JPO usually possesses them. When the JPO does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted. The translations of the references are unnecessary.

(d) Claim correspondence table

² <http://cpquery.sipo.gov.cn/>

³ <http://cpquery.sipo.gov.cn/>

The applicant requesting PPH must submit a claim correspondence table, which indicates how all claims in the JPO application sufficiently correspond to the patentable/allowable claims in the CNIPA application.

When claims are just literal translation, the applicant can just write down that “they are the same” in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim based on the criteria 1. (c) (Please refer to the Example form).

When the applicant has already submitted above documents (a) to (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

3. Example of “The Explanation of Circumstances Concerning Accelerated Examination” for filing request for an accelerated examination under the PPH pilot program

(1) Circumstances

When an applicant files a request for an accelerated examination under the PPH pilot program to the JPO, an applicant must submit a request form “The Explanation of Circumstances Concerning Accelerated Examination” based on the procedure prescribed in “the Guidelines of the Accelerated Examination and Appeal”⁴.

The applicant must indicate that the application is included in (I) to (IV) of 1. (a), and that the accelerated examination is requested under the PPH pilot program. The application number, publication number, or a patent number of the corresponding CNIPA application(s) also must be written.

*In the case that the application which has one or more claims that are determined to be patentable/allowable is different from the CNIPA application(s) included in (I) to (IV) of 1. (a) (for example, the divisional application of the basic application), the application number, publication number, or a patent number of the application(s) which has claims determined to be patentable/allowable and the relationship between those applications also must be written.

(2) Documents to be submitted

The applicant must list all required documents mentioned above 2. in an identifiable way, even when applicant omits to submit certain documents.

(3) Notice

Please refer to the example of the form of “The Explanation of Circumstances Concerning Accelerated Examination” for both on-line and paper procedures.

Note that in the case of paper procedure, the pendency period (the period between the request for PPH and the first office action) tends to be longer than on-line procedure.

4. Procedure for the accelerated examination under the PPH pilot program

The JPO decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated above. When the JPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. Before the issue of the notification of not assigning a special status for accelerated examination under the PPH, the applicant will be given opportunity to submit missing documents. Even after the issue of the notification of not assigning a special status for accelerated examination under the PPH, the applicant can request the PPH again.

⁴ <https://www.jpo.go.jp/system/laws/rule/guideline/patent/document/index/guideline.pdf>

Example form of “The Explanation of Circumstances Concerning Accelerated Examination”

<p>【書類名】 早期審査に関する事情説明書 The name of this paper</p> <p>【提出日】 令和00年00月00日 Date of filing</p> <p>【あて先】 特許庁長官殿 Destination</p> <p>【事件の表示】 【出願番号】 特願 0000-000000 Application number</p> <p>【提出者】 【識別番号】 0000000000 【住所又は居所】 〇〇県〇〇市〇丁目 【氏名又は名称】 〇〇〇〇〇 The name and address of who submit this</p> <p>【代理人】 【識別番号】 0000000000 【住所又は居所】 〇〇県〇〇市〇丁目 【氏名又は名称】 〇〇 〇〇 The name and address of the attorney</p>		<p>Bibliographical items</p>
<p>【早期審査に関する事情説明】 The explanation of circumstances concerning accelerated examination</p> <p>1. 事情 特許審査ハイウェイに基づく早期審査の申請を行う。 本出願は中国国家知識産権局への対応出願(特許出願番号000000000000. 0)をパリ条約に基づく優先権の基礎出願とする出願である。当該中国出願に対しては、中国国家知識産権局により特許権付与通知書が発行されている。</p>		
<p>1. Circumstances The accelerated examination is requested under the PPH program. This application is an application validly claiming the priority under the Paris Convention to the corresponding CNIPA application (the application number is 000000000000), and the Decision to Grant a Patent has been issued by the CNIPA.</p>		

以下において、「引用非特許文献1」とは、「村岡洋一著、「コンピュータサイエンス大学講座(第 11 巻) コンピュータ・アーキテクチャ」、第 2 版、株式会社近代科学者、1985 年 11 月、p. 123 - 127」である。

In what follows, “non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2nd edition, Scientist com, Nov. 1985, p.123-127.”

<In case of on-line procedure>

If the name of the document is long (over than 50 letters), it is impossible to write it down directly to the column “【物件名】.” Please write down the full name of the document in the column “【早期審査に関する事情説明】” and name it properly. Then write the name in the column “【物件名】.”

【提出物件の目録】

List up the documents to be submitted

The list of submitted documents

- 【物件名】 PPH 申請書 1
- 【物件名】 **年**月**日付の第一次審査意見通知書の翻訳文 1
- 【物件名】 **年**月**日付の特許権付与通知書の翻訳文 1
- 【物件名】 特許可能と判断された請求項の翻訳文 1
- 【物件名】 引用非特許文献1 1

(The name of the document) PPH request form 1

(The name of the document) Translation of the First Notice of the Opinion on Examination in the CNIPA on (date) 1

(The name of the document) Translation of grant in the CNIPA on (date) 1

(The name of the document) Translation of the patentable claims in Chinese Publication 0000000 1

(The name of the document) Cited non patent literature1 1

<In case of on-line procedure> The applicants can describe the list of attached documents as below.
 <In case of paper procedure> The applicants have to describe the following not on this form but on accompanying sheets at each attached document.

Use the same name as “【物件名】” under “【提出物件の目録】.”

【添付物件】

The list of attached documents

【物件名】 PPH 申請書

PPH request form

【内容】

Attach the document here as image file or text.

PPH申請書 (REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) (PILOT) PROGRAM)					
A. 書誌事項 (Bibliographic Data)					
出願番号 (Application Number)	特願0000-000000				
B. 必要事項 (Request)					
出願人による以下に基づく特許審査ハイウェイの申請: (Applicant requests participation in the Patent Prosecution Highway (PPH) (pilot) program based on:)					
先行庁 (国際調査機関又は国際予備審査機関を含む) (Office of Earlier Examination (OEE))	中国国家知識産権局 (CNIPA)				
先行庁の審査書類形式 (OEE Work Products Type)	<input checked="" type="checkbox"/> 国内出願の審査結果を利用 (PPH又はPPH MOTTAINAI) (National/Regional Office Action(s))				
	<input type="checkbox"/> PCT国際段階成果物を利用 (PCT-PPH) (WO-ISA, WO-IPEA or IPER)				
先行庁の対応出願番号(国際出願番号含む) (OEE Application Number) (Incl. PCT Application Number)	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">000000000000.0</td> </tr> <tr> <td></td> <td></td> </tr> </table>		000000000000.0		
	000000000000.0				
C. 必要書類 (Required Documents)					
I. 先行庁のオフィスアクションの写し、及び、その翻訳文 (OEE Work Products and, if required, Translations)					
1. <input type="checkbox"/> 先行庁のオフィスアクションの写しを添付する (A copy of OEE work products is attached; or) <input checked="" type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、オフィスアクションの情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
2. <input checked="" type="checkbox"/> 上記1. の日本語又は英語の翻訳文を添付する (A translation of documents in 1 in a language accepted by the Office is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記1. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
II. 先行庁における特許可能な請求項、及び、その翻訳文 (Patentable/Allowable Claims Determined by OEE and, if required, Translations)					
3. <input type="checkbox"/> 先行庁出願において特許可能と判断された全請求項の写しを添付する (A copy of all claims determined to be patentable/allowable by OEE is attached; or) <input checked="" type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、特許可能と判断された全請求項の情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
4. <input checked="" type="checkbox"/> 上記3. の日本語又は英語の翻訳文を添付する (A translation of documents in 3 in a language accepted by the Office is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記3. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
III. 引用文献 (Documents Cited in OEE Work Products (if required))					
5. <input checked="" type="checkbox"/> 引用非特許文献を添付する (A copy of all documents cited in OEE work products is attached (excluding patent documents); or) <input type="checkbox"/> 引用非特許文献も引用特許文献もなし (No references cited)					

IV. 先の提出書類の援用の表示 (Previously submitted documents)			
6. <input type="checkbox"/> 上記において「添付する」とチェックした書類のうち、先に提出した書類を援用する (If any of the above mentioned documents have been submitted before, please specify:)			
		(先行庁のオフィスアクションの写し、及び、その翻訳文)	
		(先行庁における特許可能な請求項、及び、その翻訳文)	
		(引用非特許文献)	
V. 提出物件(援用する物件は除く)(List of names of documents submitted) 早期審査に関する事情説明書に記載のとおり。			
VI. 提出を省略する物件 (List of names of documents omitted for submission)			
		(先行庁のオフィスアクションの写し、及び、その翻訳文)	
		0000年00月00日付 第一次審査意見通知書の写し	
		0000年00月00日付 特許権付与通知書の写し	
		(先行庁における特許可能な請求項、及び、その翻訳文)	
		中国特許第000000000号明細書	
		(引用特許文献)	
		中国特許出願公開第000000000号公報	
		米国特許出願第0000/0000000号公報	
D. 請求項の対応関係 (Claims Correspondence)			
<input checked="" type="checkbox"/> 先行庁の特許可能な全請求項と完全に一致する (請求項の削除、追加、並び替えが無く、請求項の文言が完全に一致する) (All the claims in the application sufficiently correspond to the patentable/allowable claims in the OEE application; or)			
<input type="checkbox"/> 請求項の対応関係は、以下の表に記載 (Claims correspondence is explained in the following table)			
	本出願の請求項 (Application Claims)	先行庁の対応請求項 (Corresponding OEE claims)	対応関係に関するコメント(複数の出願と対応する場合は、コメント欄に対応する出願番号も記載して下さい。) (Explanation regarding the correspondence)
E. 見解書、予備審査報告の第Ⅷ欄(国際出願に対する意見)に対する釈明 (explaining any Box VIII observations of WO/ISA, WO/IPEA or IPER)			
出願人又は代理人 (Name(s) of applicant(s) or representative(s)) 早期審査に関する事情説明書に記載のとおり。			
提出日 (Date) 早期審査に関する事情説明書に記載のとおり。			
提出者 (Signature(e) of the applicant/representative) 早期審査に関する事情説明書に記載のとおり。			

【物件名】 **年**月**日付の第一次審査意見通知書の翻訳文

Translation of the First Notice of the Opinion on Examination in the CNIPA on (date)

【内容】 Attach the copy of the document.

Use the same name as “【物件名】” under
“【提出物件の目録】.”

【物件名】 **年**月**日付の特許権付与通知書の翻訳文

Translation of grant in the CNIPA on (date)

【内容】 Attach the copy of the document.

【物件名】 特許可能と判断された請求項の翻訳文

Translation of the patentable claims in Chinese Patent Publication

【内容】 Attach the copy of the document.

【物件名】 引用非特許文献1

Cited non-patent literature1

【内容】 Attach the copy of the document.

Part II

PPH using the PCT international work products from the CNIPA

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the JPO and satisfies the following requirements under the JPO-CNIPA Patent Prosecution Highway pilot program based on PCT international work products (PCT-PPH pilot program).

When filing a request for the PCT-PPH pilot program, an applicant must submit a request form “The Explanation of Circumstances Concerning Accelerated Examination” based on the procedure prescribed in “the Guidelines of the Accelerated Examination and Appeal”¹. Under the PCT-PPH pilot program, an applicant is not required to fill in the section “2. the disclosure of prior arts and comparison between the claimed invention and prior art” in “The Explanation of Circumstances Concerning Accelerated Examination”.

1. Requirements

The application which is filed with the JPO and on which the applicant files a request under the PCT-PPH must satisfy the following requirements:

- (1) The latest work product in the international phase of a PCT application corresponding to the application (“international work product”), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as patentable/allowable (from the aspect of novelty, inventive steps and industrial applicability).**

Note that the ISA and the IPEA which produced the WO/ISA, WO/IPEA and the IPER are limited to the CNIPA, but, if priority is claimed, the priority claim can be to an application in any Office, see example A' in Annex II (application ZZ can be any national application).

The applicant cannot file a request under PCT-PPH on the basis of an International Search Report (ISR) only.

In case any observation is described in Box VIII of WO/ISA, WO/IPEA or IPER which forms the basis of a PCT-PPH request, the applicant must explain why the claim(s) is/are not subject to the observation irrespective of whether or not an amendment is submitted to correct the observation noted in Box VIII. The application will not be eligible for participating in PCT-PPH pilot program if the applicant does not explain why the claim(s) is/are not subject to the observation. In this regard, however, it does not affect the decision on the eligibility of the application whether the explanation is adequate and/or whether the amendment submitted

¹ <https://www.jpo.go.jp/system/laws/rule/guideline/patent/document/index/guideline.pdf>

overcomes the observation noted in Box VIII.

- (2) The relationship between the application and the corresponding international application satisfies one of the following requirements:**
- (A) The application is a national phase application of the corresponding international application. (See Figures A, A', and A'' in Annex II)**
 - (B) The application is a national application as a basis of the priority claim of the corresponding international application. (See Figure B in Annex II)**
 - (C) The application is a national phase application of an international application claiming priority from the corresponding international application. (See Figure C in Annex II)**
 - (D) The application is a national application claiming foreign/domestic priority from the corresponding international application. (See Figure D in Annex II)**
 - (E) The application is the derivative application (divisional application and application claiming domestic priority etc.) of the application which satisfies one of the above requirements (A) – (D). (See Figures E1 and E2 in Annex II)**
- (3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated to be patentable/allowable in the latest international work product of the corresponding international application.**

Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims of the application are of the same or similar scope as the claims indicated to be patentable/allowable in the latest international work product, or the claims of the application are narrower in scope than the claims indicated to be patentable/allowable in the latest international work product.

In this regard, a claim that is narrower in scope occurs when a claim indicated to be patentable/allowable in the latest international work product is amended to be further limited by an additional feature that is supported in the specification (description and/or claims) of the application.

A claim of the application which introduces a new/different category of claims to those claims indicated to be patentable/allowable in the latest international work product is not considered to sufficiently correspond. For example, the claims indicated to be patentable/allowable in the latest international work product only contain claims to a process of manufacturing a product, then the claims of the application are not considered to sufficiently correspond if the claims of the application introduce product claims that are dependent on the corresponding process claims.

It is not necessary to include "all" claims determined to be patentable/allowable in the

corresponding international application in an application in the JPO (the deletion of claims is allowable). For example, in the case where the corresponding international application contains 5 claims determined to be patentable/allowable, the application in the JPO may contain only 3 of these 5 claims.

Any claims amended or added after the grant of the request for participation in the PCT-PPH pilot program need not to sufficiently correspond to the claims indicated as patentable/allowable in the latest international work product.

- (4) The JPO has not begun examination of the application at the time of request under PCT-PPH.**
- (5) A “Request for Substantive Examination” must have been filed at the JPO either at the time of the PCT-PPH request or previously.**

2. Documents to be submitted

The applicant must submit the following documents attached to the request form in filing a request under PCT-PPH. Some of the documents may not be required to submit in certain cases.

- (1) A copy of the latest international work product which indicated the claims to be patentable/allowable and their Japanese or English translations if they are not in English.**

In case the application satisfies the relationship 1.(2)(A), the applicant need not submit a copy of the International Preliminary Report on Patentability (IPRP) and any English translations thereof because a copy of these documents is already contained in the file-wrapper of the application. In addition, if the copy of the latest international work product and the copy of the translation are available via “PATENTSCOPE (registered trademark)”², an applicant need not submit these documents, unless otherwise requested by the JPO.

(WO/ISA and IPER are usually available as “IPRP Chapter I” and “IPRP Chapter II” respectively in 30 months after the priority date.)

Machine translation will be admissible, but if it is impossible for the examiner to understand the outline of the latest translated international work product due to insufficient translation, the examiner can request the applicant to resubmit translations.

- (2) A copy of a set of claims which the latest international work product of the corresponding international application indicated to be patentable/allowable and their**

² <http://www.wipo.int/pctdb/en/index.jsp>

Japanese or English translations if they are not in English

If the copy of the set of claims which are indicated to be patentable/allowable is available via “PATENTSCOPE (registered trademark)” (e.g. the international Patent Gazette has been published), an applicant need not submit this document unless otherwise requested by the JPO. Where the set of claims is written in Chinese, the translations thereof must be still submitted by the applicant. Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

(3) A copy of references cited in the latest international work product of the international application corresponding to the application.

Documents which are only referred to as references and consequently do not consist of the reasons for refusal do not have to be submitted.

If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it. Non-patent literature must always be submitted. Translations of cited references are unnecessary.

(4) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be patentable/allowable.

When claims are just literal translation, the applicant can just write down that “they are the same” in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim based on the criteria 1. (3) (Please refer to the Example form below).

When an applicant has already submitted the above mentioned documents (1) - (4) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.

3. Example of “The Explanation of Circumstances Concerning Accelerated Examination” for filing request for an accelerated examination under the PCT-PPH pilot program

(1) Circumstances

The applicant must indicate that the application is included in (A) to (E) of 1. (2), and that the accelerated examination is requested under the PCT-PPH pilot program. The application number(s) of the corresponding international application(s) also must be written.

In case any observation is described in Box VIII of WO/ISA, WO/IPEA or IPER which forms

the basis of a PCT-PPH request, the applicant must explain why the claim(s) is/are not subject to the observation.

(2) Documents to be submitted

The applicant must list all required documents mentioned above 2. in an identifiable way, even when applicant omits to submit certain documents.

(3) Notice

Please refer to the example of the form of “The Explanation of Circumstances Concerning Accelerated Examination” for both on-line and paper procedures³.

Note that in the case of paper procedure, the pendency period (the period between the request for PPH and the first office action) tends to be longer than on-line procedure.

4. Procedure for the accelerated examination under the PPH pilot program

The JPO decides whether the application can be entitled to the status for an accelerated examination under the PCT-PPH when it receives a request with the documents stated above. When the JPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PCT-PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. Before the issue of the notification of not assigning a special status for accelerated examination under the PCT-PPH, the applicant will be given opportunity to submit missing documents. Even after the issue of the notification of not assigning a special status for accelerated examination under the PCT-PPH, the applicant can request the PCT-PPH again.

³ <https://www.jpo.go.jp/system/laws/rule/guideline/patent/document/index/guideline.pdf>

**Example form of “The Explanation of Circumstances Concerning Accelerated Examination”
(Example of the request based on the claims indicated patentable/allowable in the IPER)**

<p>【書類名】 早期審査に関する事情説明書 The name of this paper</p>	
<p>【提出日】 令和00年00月00日 Date of filing</p>	
<p>【あて先】 特許庁長官殿 Destination</p>	
<p>【事件の表示】 【国際出願番号】 PCT/XX0000/000000 【出願の区分】 特許</p>	
<p>Application number</p>	
<p>【提出者】 【識別番号】 000000000 【住所又は居所】 〇〇県〇〇市〇丁目 【氏名又は名称】 〇〇〇〇</p>	
<p>The name and address of who submit this</p>	
<p>【代理人】 【識別番号】 000000000 【住所又は居所】 〇〇県〇〇市〇丁目 【氏名又は名称】 〇〇 〇〇</p>	
<p>The name and address of the attorney</p>	
<p>【早期審査に関する事情説明】 The explanation of circumstances concerning accelerated examination</p>	
<p>1. 事情 特許審査ハイウェイに基づく早期審査の申請を行う。 本出願は、国際出願(出願番号 PCT/XX0000/000000)の国内移行出願であり、当該国際出願の特許請求の範囲に対しては、中国国家知識産権局が作成した最新国際段階成果物において特許性有りと判断が明示されている。</p>	
<p>1. Circumstances The accelerated examination is requested under the PPH program. This application is a national phase application of a PCT international application (the application number is PCT/XX0000/000000), and the latest work product has been issued by CNIPA.</p>	

以下において、「引用非特許文献1」とは、「村岡洋一著、「コンピュータサイエンス大学講座(第 11 巻) コンピュータ・アーキテクチャ」、第 2 版、株式会社近代科学者、1985 年 11 月、p. 123 - 127」である。

In what follows, “non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2nd edition, Scientific.com, Nov. 1985, p.123-127.”

<In case of on-line procedure>

If the name of the document is long (over than 50 letters), it is impossible to write it down directly to the column “【物件名】.” Please write down the full name of the document in the column “【早期審査に関する事情説明】” and name it properly. Then write the name in the column “【物件名】.”

【提出物件の目録】

The list of submitted documents

List up the documents to be submitted

【物件名】 PPH 申請書 1

PPH request form 1

【物件名】 引用非特許文献1 1

Non-patent literature1 1

<In case of on-line procedure> The applicants can describe the list of attached documents as below.
<In case of paper procedure> The applicants have to describe the following not on this form but on accompanying sheets at each attached document.

【添付物件】

The list of attached documents

Use the same name as “【物件名】” under “【提出物件の目録】.”

【物件名】 PPH 申請書

PPH request form

【内容】

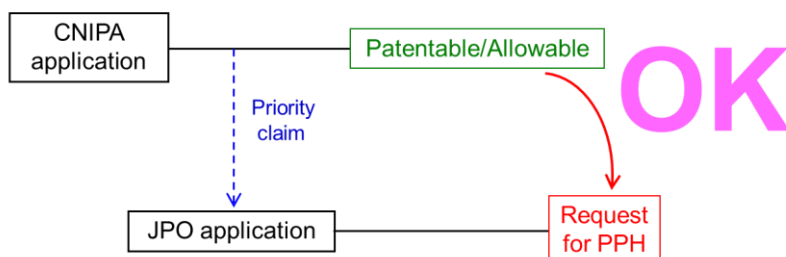
Attach the document here as image file or text.

PPH申請書 (REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) (PILOT) PROGRAM)					
A. 書誌事項 (Bibliographic Data)					
出願番号 (Application Number)	PCT/XX0000/000000				
B. 必要事項 (Request)					
出願人による以下に基づく特許審査ハイウェイの申請: (Applicant requests participation in the Patent Prosecution Highway (PPH) (pilot) program based on:)					
先行庁 (国際調査機関又は国際予備審査機関を含む) (Office of Earlier Examination (OEE))	中国国家知識産権局 (CNIPA)				
先行庁の審査書類形式 (OEE Work Products Type)	<input type="checkbox"/> 国内出願の審査結果を利用 (PPH又はPPH MOTTAINAI) (National/Regional Office Action(s))				
	<input checked="" type="checkbox"/> PCT国際段階成果物を利用 (PCT-PPH) (WO-ISA, WO-IPEA or IPER)				
先行庁の対応出願番号(国際出願番号含む) (OEE Application Number) (Incl. PCT Application Number)	<table border="1"> <tr> <td></td> <td>PCT/XX0000/000000</td> </tr> <tr> <td></td> <td></td> </tr> </table>		PCT/XX0000/000000		
	PCT/XX0000/000000				
C. 必要書類 (Required Documents)					
I. 先行庁のオフィスアクションの写し、及び、その翻訳文 (OEE Work Products and, if required, Translations)					
1. <input type="checkbox"/> 先行庁のオフィスアクションの写しを添付する (A copy of OEE work products is attached; or) <input checked="" type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、オフィスアクションの情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
2. <input type="checkbox"/> 上記1. の日本語又は英語の翻訳文を添付する (A translation of documents in 1 in a language accepted by the Office is attached; or) <input checked="" type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記1. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
II. 先行庁における特許可能な請求項、及び、その翻訳文 (Patentable/Allowable Claims Determined by OEE and, if required, Translations)					
3. <input type="checkbox"/> 先行庁出願において特許可能と判断された全請求項の写しを添付する (A copy of all claims determined to be patentable/allowable by OEE is attached; or) <input checked="" type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、特許可能と判断された全請求項の情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
4. <input checked="" type="checkbox"/> 上記3. の日本語又は英語の翻訳文を添付する (A translation of documents in 3 in a language accepted by the Office is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記3. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
III. 引用文献 (Documents Cited in OEE Work Products (if required))					
5. <input checked="" type="checkbox"/> 引用非特許文献を添付する (A copy of all documents cited in OEE work products is attached (excluding patent documents); or) <input type="checkbox"/> 引用非特許文献も引用特許文献もなし (No references cited)					

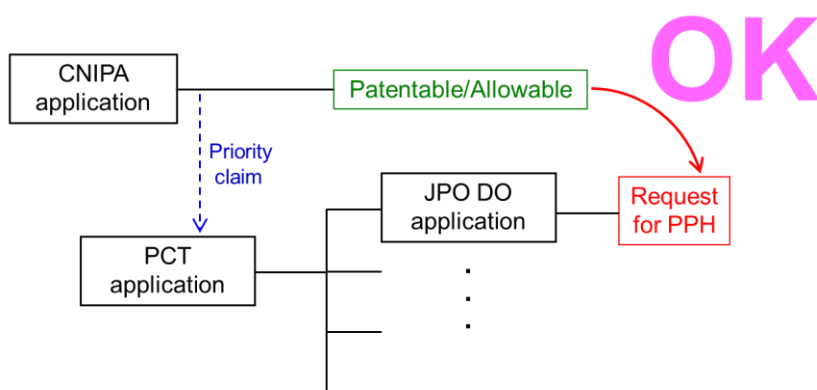
IV. 先の提出書類の援用の表示 (Previously submitted documents)	
6.	■ 上記において「添付する」とチェックした書類のうち、先に提出した書類を援用する (If any of the above mentioned documents have been submitted before, please specify:)
	(先行庁のオフィリアクションの写し、及び、その翻訳文)
	<input type="text"/>
	(先行庁における特許可能な請求項、及び、その翻訳文)
	国際公開第0000/000000号公報の翻訳文
	(援用)PCT/XX0000/000000平成00年00月00日付国際出願翻訳文提出書
	(引用非特許文献)
	<input type="text"/>
V. 提出物件(援用する物件は除く)(List of names of documents submitted) 早期審査に関する事情説明書に記載のとおり。	
VI. 提出を省略する物件 (List of names of documents omitted for submission)	
	(先行庁のオフィリアクションの写し、及び、その翻訳文)
	0000年00月00日付のWO/ISAの写し及びその翻訳文
	(先行庁における特許可能な請求項、及び、その翻訳文)
	国際公開第0000/000000号公報
	(引用特許文献)
	米国特許第0000000号公報
	中国特許出願公開第000000000号公報

D. 請求項の対応関係 (Claims Correspondence)			
<input type="checkbox"/> 先行庁の特許可能な全請求項と完全に一致する (請求項の削除、追加、並び替えが無く、請求項の文言が完全に一致する) (All the claims in the application sufficiently correspond to the patentable/allowable claims in the OEE application; or)			
<input checked="" type="checkbox"/> 請求項の対応関係は、以下の表に記載 (Claims correspondence is explained in the following table)			
	本出願の請求項 (Application Claims)	先行庁の対応請求項 (Corresponding OEE claims)	対応関係に関するコメント(複数の出願と対応する場合は、コメント欄に対応する出願番号も記載して下さい。) (Explanation regarding the correspondence)
	1	3	両請求項は同一である
	2	3	請求項2は、国際段階の請求項2を国際段階の請求項3に従属させたものである
	3	4	両請求項は同一である
	4	3	請求項4は、国際段階の請求項5を国際段階の請求項3に従属させたものである
	5	8	両請求項は同一である
	6	8	請求項6は、国際段階の請求項7を国際段階の請求項8に従属させたものである
	7	9	両請求項は同一である
	8	8	請求項8は、国際段階の請求項10を国際段階の請求項8に従属させたものである
	9	8	請求項9は、国際段階の請求項10を国際段階の請求項8に従属させたものである
	10	8	請求項10は、国際段階の請求項8にAという構成を付加したものである
E. 見解書、予備審査報告の第Ⅷ欄(国際出願に対する意見)に対する釈明 (explaining any Box VIII observations of WO/ISA, WO/IPEA or IPER)			
出願人又は代理人 (Name(s) of applicant(s) or representative(s)) 早期審査に関する事情説明書に記載のとおり。			
提出日 (Date) 早期審査に関する事情説明書に記載のとおり。			
提出者 (Signature(e) of the applicant/representative) 早期審査に関する事情説明書に記載のとおり。			
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>【物件名】 引用非特許文献1</p> <div style="border: 1px dashed black; padding: 5px; width: fit-content;">Non-patent literature1</div> <p>【内容】</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">Attach the copy of the document.</div> </div> <div style="width: 45%; text-align: right;">  <div style="border: 2px solid orange; padding: 10px; width: fit-content; margin: 10px auto;"> Use the same name as “【物件名】” under “【提出物件の目録】.” </div> </div> </div>			

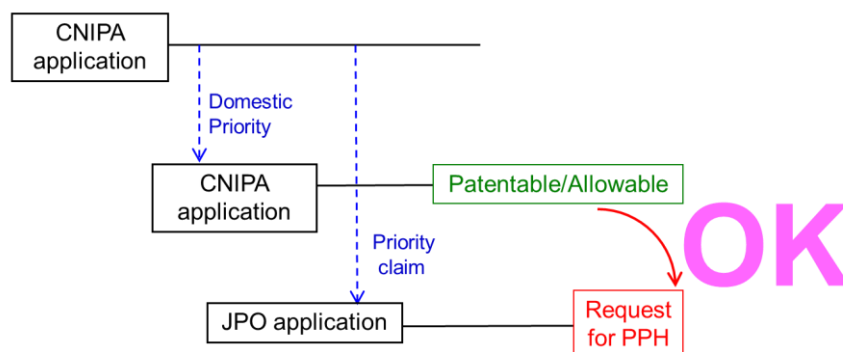
A A case meeting requirement (a) (I)
- Paris route -



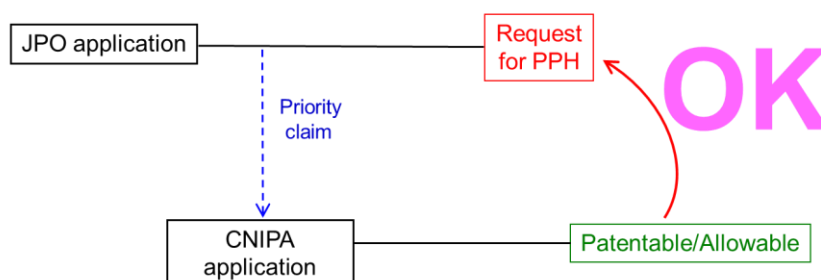
B A case meeting requirement (a) (I)
- PCT route -



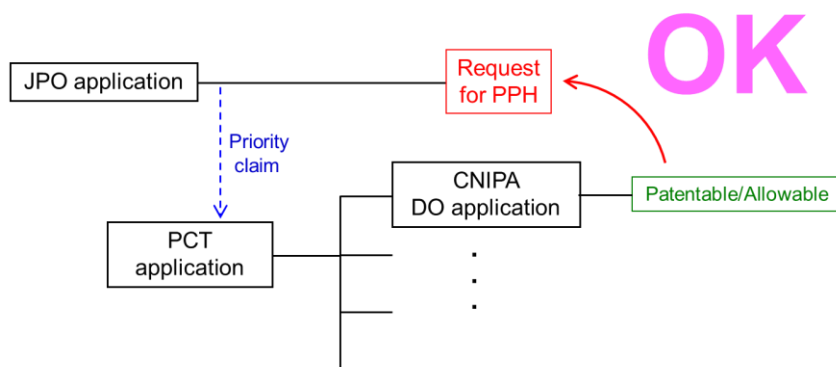
C A case meeting requirement (a) (I)
- PCT route, Domestic priority -



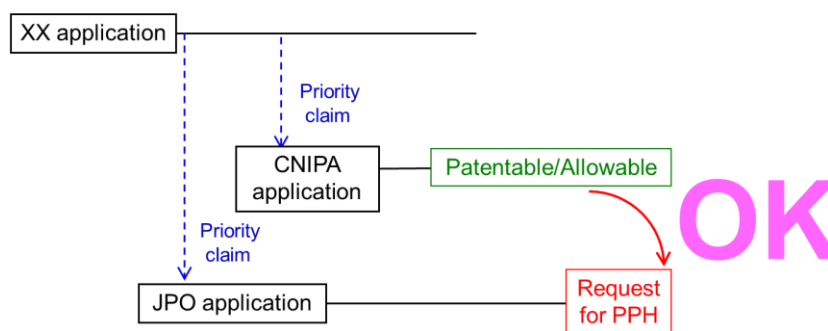
D A case meeting requirement (a) (II)
- Paris route -



E A case meeting requirement (a) (II)
- PCT route -



F A case meeting requirement (a) (III)
- Paris route, but the first application is from the third country -

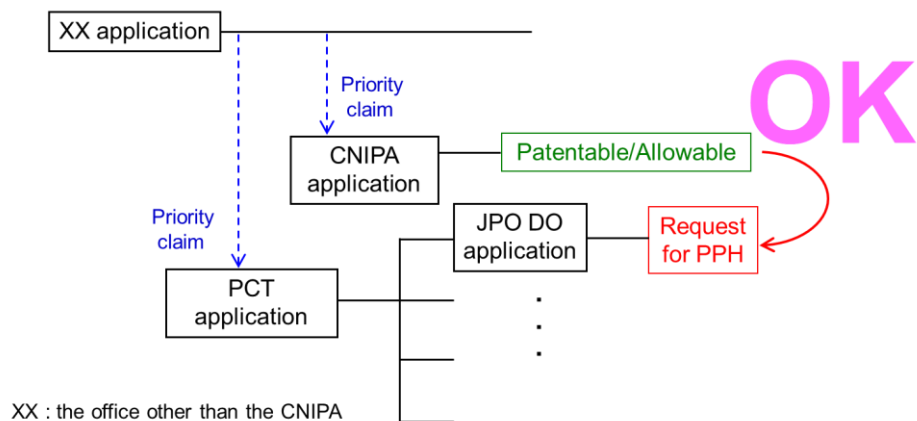


XX : the office other than the CNIPA

G

A case meeting requirement (a) (III)

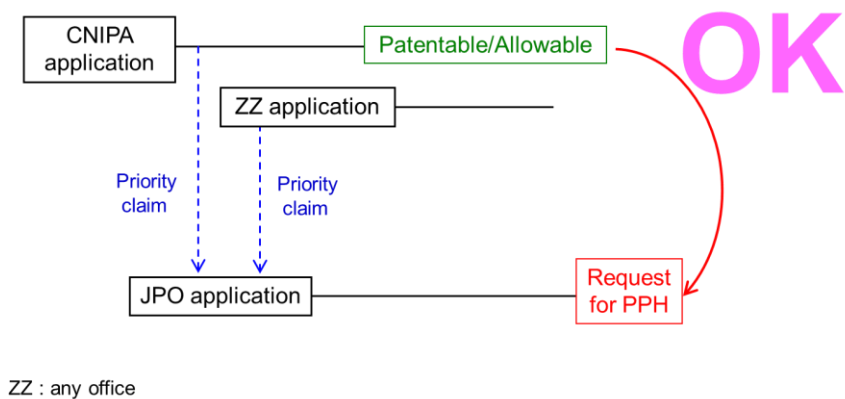
- PCT route, but the first application is from the third country -



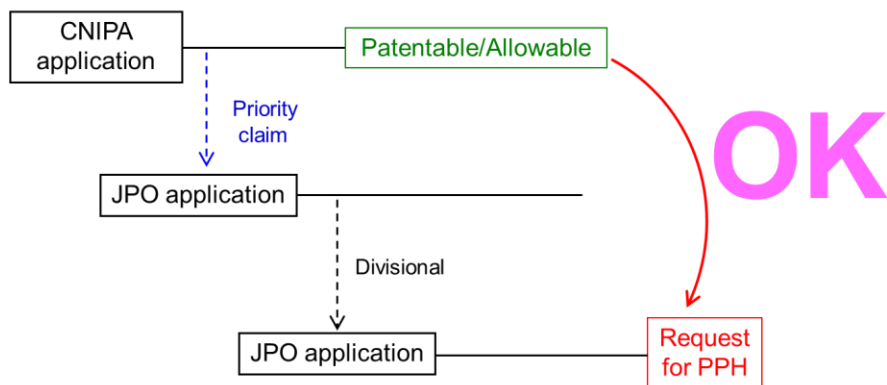
H

A case meeting requirement (a) (I)

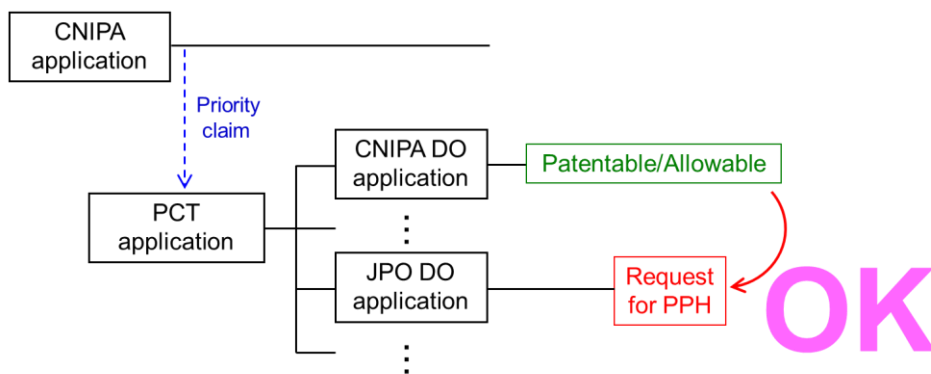
- Paris route & Complex priority -



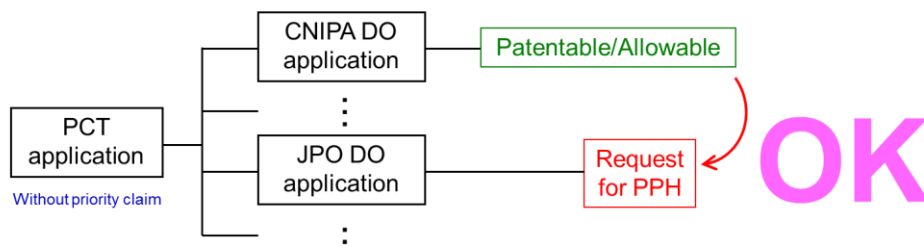
I A case meeting requirement (a) (I)
- Paris route & divisional application -



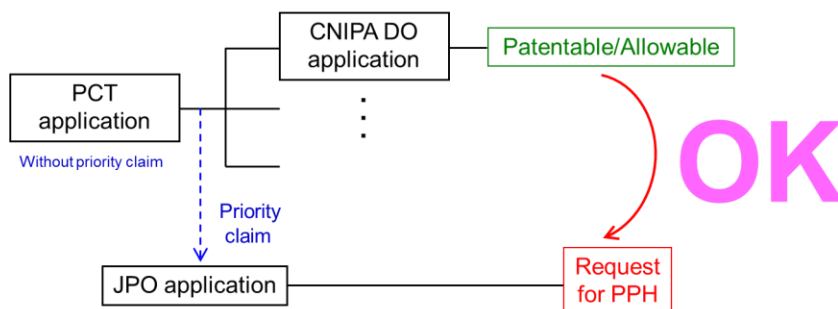
J A case meeting requirement (a) (I)
- PCT route -



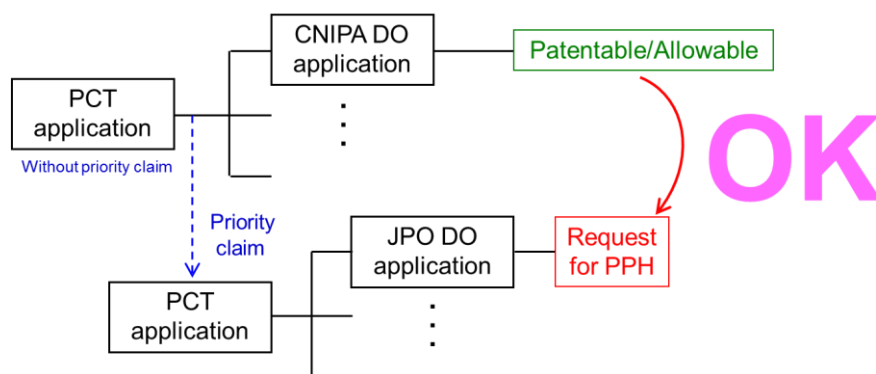
K A case meeting requirement (a) (IV)
- Direct PCT route -



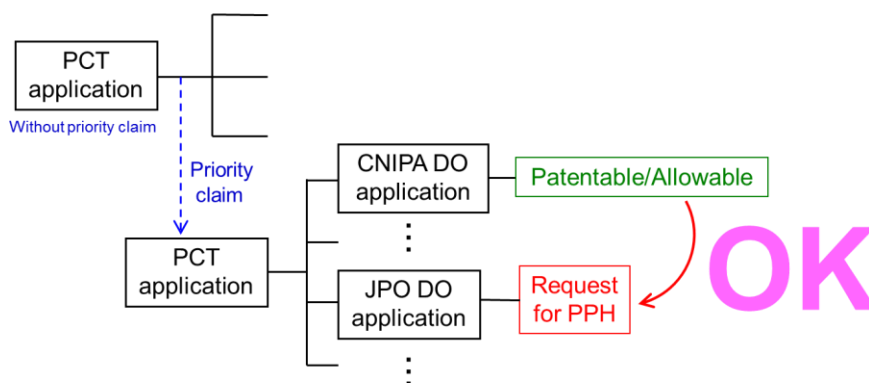
L A case meeting requirement (a) (III)
- Direct PCT & Paris route -



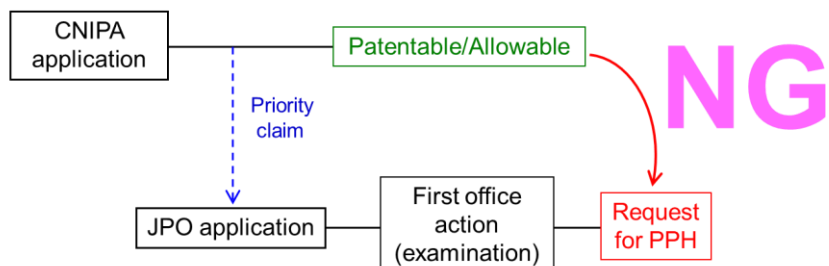
M A case meeting requirement (a) (III)
- Direct PCT & PCT route -



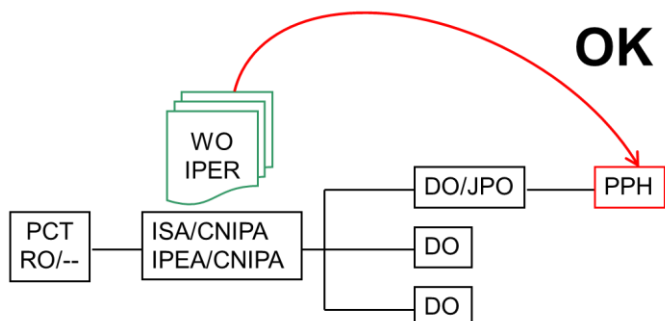
N A case meeting requirement (a) (III)
- Direct PCT & PCT route -



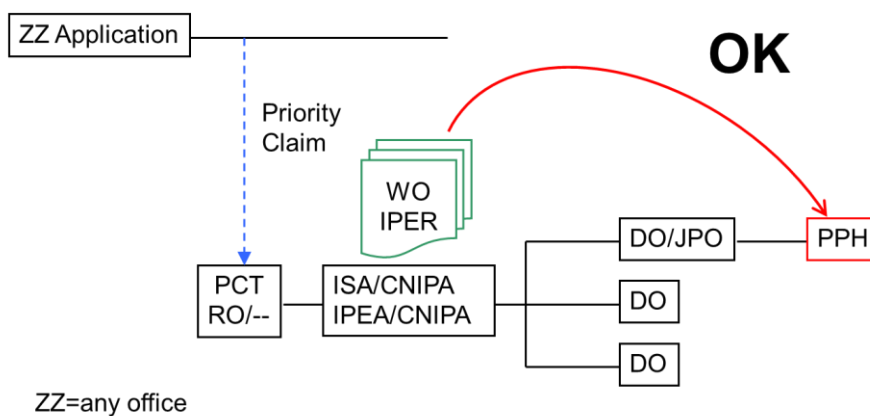
O A case not meeting requirement (d)
- Examination has begun before a request for PPH -



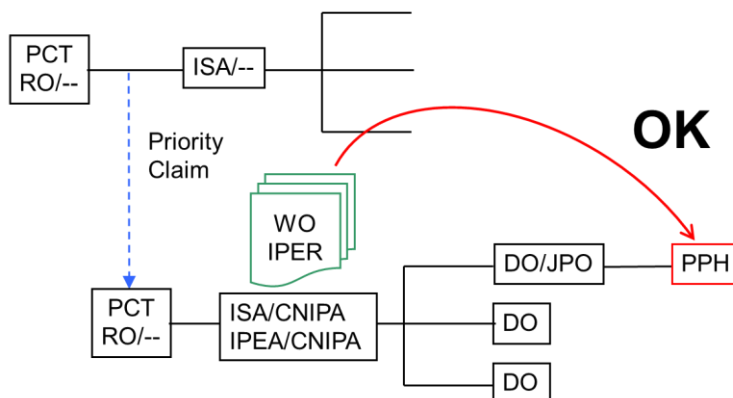
(A) The application is a national phase application of the corresponding international application.



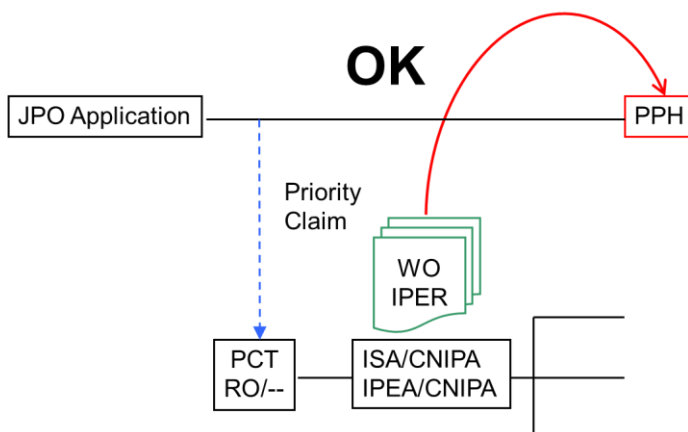
(A') The application is a national phase application of the corresponding international application.
(The corresponding international application claims priority from a national application.)



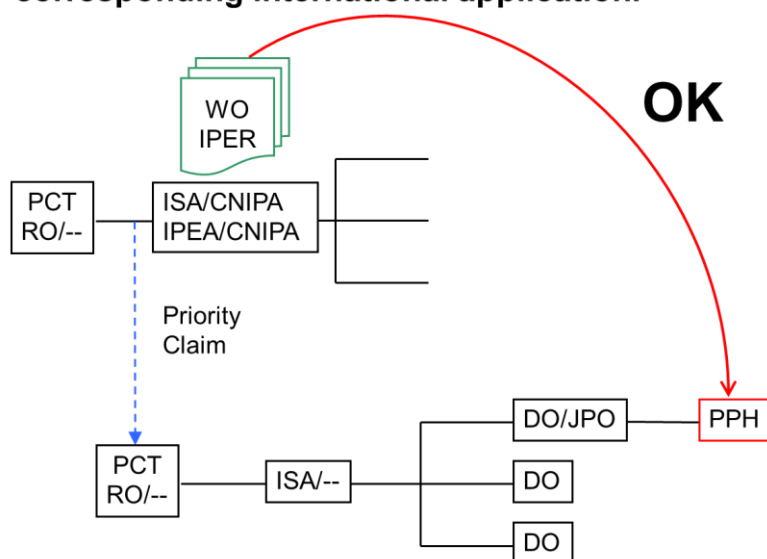
(A'') The application is a national phase application of the corresponding international application.
 (The corresponding international application claims priority from an international application.)



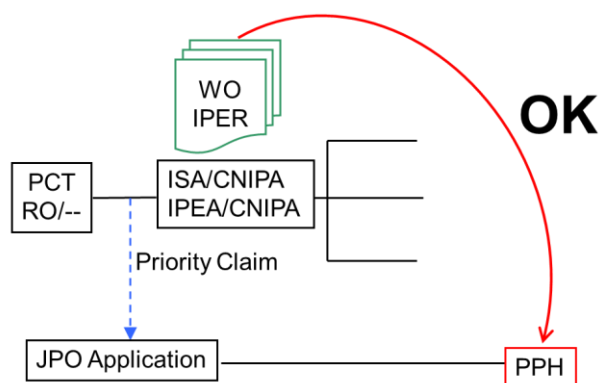
(B) The application is a national application as a basis of the priority claim of the corresponding international application.



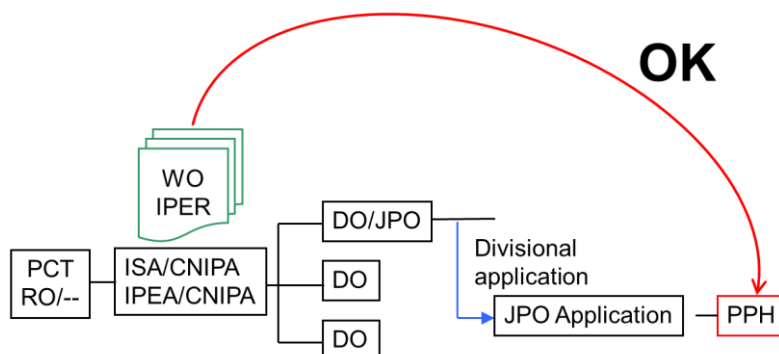
(C) The application is a national phase application of an international application claiming priority from the corresponding international application.



(D) The application is a national application claiming foreign/domestic priority from the corresponding international application.



(E1) The application is a divisional application of an application which satisfies the requirement (A).



(E2) The application is an application claiming domestic priority from an application which satisfies the requirement (B).

