

## **Procedures to file a request to the JPO for Patent Prosecution Highway Pilot Program between the JPO and the EPO**

Amended on January 6, 2023

### **Part I**

#### **PPH based on the European patent application**

When an applicant files a request for an accelerated examination under the Patent Prosecution Highway (hereinafter called “PPH”) Pilot Program based on the European application 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.”<sup>1</sup>

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”.

The trial period of this PPH Pilot Program will commence on January 6, 2014 and ending on January 5, 2026.

The trial period may be extended if necessary until the EPO and the JPO receive the sufficient number of PPH requests to adequately assess the feasibility of the PPH program. The Offices may also terminate the PPH pilot program early if the volume of participation exceeds manageable level, or for any other reason. Notice will be published if the PPH pilot program is terminated before 5 January 2026.

### **1. Requirements**

***(a) Both the JP application on which PPH is requested and the EP 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 JP application (including PCT national phase application) is either:***

(Case I) an application which validly claims priority under the Paris Convention to the EP application(s) (examples are provided in ANNEX I, Figures A, B, C, D and E), or

(Case II) an application which is the basis of a valid priority claim under the Paris

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

Convention for the EP application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures F, G and H), or

(Case III) an application which shares a common priority document with the EP application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures I, J, K, L and M), or

(Case IV) a PCT national phase application where both the JP application and the EP application(s) are derived from a common PCT international application having no priority claim (examples are provided in ANNEX I, Figure N),

**(b) At least one corresponding application exists in the EPO and has one or more claims that are indicated to be patentable /allowable in the latest office action by the EPO.**

Claims are “determined to be patentable/allowable” in either of the following cases:

- (i) a communication regarding the intention to grant a European patent was issued on the claims (The heading of the communication is “Communication under Rule 71(3) EPC”)
- (ii) if the communication under (i) has not been issued yet, a positive opinion regarding the allowability of the claims is contained in the European Search Report (see Figure (E) in Annex I), i.e. neither category X documents (including category PX, EX and OX documents) nor category Y documents (including category PY, EY and OY documents) are cited as to the claims.

**(c) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as patentable/allowable in the EPO.**

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 indicated as patentable/allowable in the EPO, or the claims in the JPO are narrower in scope than the claims indicated as patentable/allowable in the EPO. In this regard, a claim that is narrower in scope occurs when a claim indicated as patentable/allowable in the EPO 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 EPO is not considered to sufficiently correspond. For example, the claims indicated as patentable/allowable in the EPO only contain claims to a process of manufacturing a product, then the claims in the JPO are

not considered to sufficiently correspond if the claims in the JPO introduce product claims that are dependent on the corresponding process claims.

**(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”.

Some of the documents may not be required to submit in certain cases. Please note that the name of the documents omitted to submit still have to be listed in “The Explanation of Circumstances Concerning Accelerated Examination” (Please refer to the **Example form** for the detail).

**(a) A copy of all office actions which are relevant to patentability/allowability from the EPO, which were sent in regard to the corresponding EPO patent application, and their Japanese or English translations if they are not in English.**

The EPO office actions which are relevant to patentability/allowability mean all issued “European Search Report”, “European Search Opinion”, “Examination Report” and “Communication under Rule 71(3) EPC”.

If these documents are written in English and available via the EPO dossier access system, i.e. European Patent Register<sup>2</sup>, the applicant does not have to submit their copies and only have to list up the name of the documents as “documents to be omitted to submit” in the request form “The Explanation of Circumstances Concerning Accelerated Examination”. If these documents are written in French or German, the applicant does not have to submit their copies if they are available via the EPO dossier access system, but has to attach their translations by him/herself.

**(b) A copy of all claims determined to be allowable by the EPO, and their Japanese or English translations if they are not in English.**

Copies of the claims determined to be allowable in the EPO can be a copy of the written amendments which include claims determined to be allowable, the documents submitted

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<sup>2</sup> <https://register.epo.org/espacenet/advancedSearch?lng=en>

at filing which include claims determined to be allowable, the printer's copy ("Druckexemplar") or the EPO's publication of the granted patent.

The conditions where the applicant will not have to submit a copy and translation of the claims are the same as those that apply to the office actions as described above.

**(c) Copies of documents cited by the EPO examiner**

The copies of documents to be submitted are those cited in the "Examination Report" or, if no Examination Report has been issued, those listed in the "European Search Report". If a cited document is a patent document, the applicant does not have to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it.

If a cited document is non-patent literature, the applicant always has to submit it.

Translations of cited documents are unnecessary.

**(d) A claims correspondence table**

The applicant must submit a claim correspondence table, which indicates how all claims in the JP application sufficiently correspond to the claims determined to be allowable by the EPO.

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** below).

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 will not have to attach them.

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

**(1) Circumstances**

Please state that an accelerated examination is requested under the PPH pilot program, explaining that the relationship between the application requested for the PPH and the corresponding EP application(s) meets the requirement under 1. (a) and that the

corresponding EP application(s) meets either (i) or (ii) of 1. (b). The application number(s) of the corresponding EP application(s) must be specified. If the application requested for the PPH or the corresponding EP application(s) is a derived application (e.g., the EP application that is determined to be allowable is a divisional application of an EP application which forms the basis of the priority claim of the JP application), please indicate the application number of its basic application.

**(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**

Forms of “The Explanation of Circumstances Concerning Accelerated Examination” are different between on-line procedure and paper procedure. Please refer to the examples of forms when filling in (“Form 1 for Accelerated Examination” for on-line procedures, and “Form 2 for Accelerated Examination” for paper procedures.).

### Example Form for the on-line PPH filing procedure

【書類名】	早期審査に関する事情説明書	} Bibliographical items
The name of this paper		
【提出日】	令和00年00月00日	
Date of filing		
【あて先】	特許庁長官殿	
Destination		
【事件の表示】		
【出願番号】	特願 0000-000000	
Application number		
【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	
The name and address of the submitter		
【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	
The name and address of the attorney		
【早期審査に関する事情説明】		
The explanation of circumstances concerning accelerated examination		
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。 本出願と対応欧州出願(特許出願番号00000000.0)は、共に、英国知的財産庁への一つの出願(出願番号00/000000)に対してパリ条約に基づく優先権を有効に主張する出願であり、当該欧州出願に対しては、**年**月**日付で特許許可通知(EPC 規則 71(3)に基づく通知)が発行されている。		
1, Circumstances		
The accelerated examination is requested under the PPH program. Both this application and the corresponding EP application (the application number is 00000000.0) validly claim priority under the Paris Convention to a UKIPO application (the application number is 00/000000), and a communication under Rule 71(3) EPC is issued on (date) toward the corresponding EP patent application.		

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, “cited non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2<sup>nd</sup> edition, Scientist com, Nov. 1985, p.123-127.”

If the name of the document is long (over 50 letters), it is impossible to write it down directly to the column “【物件名】”. In this case, 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  
【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) Cited non-patent literature1 1

【添付物件】

The list of attached documents

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

【物件名】 PPH申請書  
【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)							
<b>A. 書誌事項 (Bibliographic Data)</b>							
出願番号 (Application Number)	特願0000-000000						
<b>B. 必要事項 (Request)</b>							
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))	欧州特許庁(EPO)						
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="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 100px; height: 20px; text-align: center;">00000000.0</td> </tr> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 100px; height: 20px;"></td> </tr> </table>			00000000.0			
		00000000.0					
<b>C. 必要書類 (Required Documents)</b>							
<b>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)</b>							
<p>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)</p> <p><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)</p> <p>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)</p> <p><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)</p>							
<b>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)</b>							
<p>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)</p> <p><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)</p> <p>4. <input 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)</p> <p><input checked="" 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)</p>							
<b>III. 引用文献 (Documents Cited in OEE Work Products (if required))</b>							
<p>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)</p> <p><input type="checkbox"/> 引用非特許文献も引用特許文献もなし (No references cited)</p>							

Part I PPH based on the European patent application

<b>IV. 先の提出書類の援用の表示 (Previously submitted documents)</b>	
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)
	<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)
	<input type="text"/>
	(引用非特許文献)
	<input type="text"/>
<b>V. 提出物件 (援用する物件は除く) (List of names of documents submitted)</b> 早期審査に関する事情説明書に記載のとおり。	
<b>VI. 提出を省略する物件 (List of names of documents omitted for submission)</b>	
	(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 欧州調査報告の写し
	0000年00月00日付 欧州調査見解の写し
	0000年00月00日付 拒絶理由通知の写し
	0000年00月00日付 特許許可通知(EPC規則71(3)に基づく通知)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)
	欧州特許第0000000号公報
	(引用特許文献)
	米国特許第0000000号公報
	国際公開第0000/000000号公報
	欧州特許出願公開第0000000号公報

Part I PPH based on the European patent application

<b>D. 請求項の対応関係 (Claims Correspondence)</b>			
<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	1	両クレームは同一である
	2	1	請求項2は、欧州特許出願の請求項1にAという発明特定事項を付加した
			ものである
	3	2	両クレームは、記載形式を除き同一である
<b>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)</b>			
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】 引用非特許文献1	<div style="border: 1px solid orange; padding: 5px; display: inline-block;">           Use the same name as in “【物件名】” under “【提出物件の目録】.”         </div>		
<div style="border: 1px dashed black; padding: 2px; display: inline-block;">           Cited non-patent literature1         </div>			
【内容】			
<div style="border: 1px solid orange; padding: 5px; display: inline-block;">           Attach the copy of the document.         </div>			

Please 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

## **Part II**

### **PPH using the PCT international work products from the EPO**

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the Japan Patent Office (JPO) and satisfies the following requirements under the JPO-EPO Patent Prosecution Highway pilot programs 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.”<sup>3</sup> 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”.

The trial period of the PCT-PPH pilot program will commence on January 6, 2014 and ending on January 5, 2026.

The trial period may be extended if necessary until the JPO and EPO receive the sufficient number of PCT-PPH requests to adequately assess the feasibility of the PCT-PPH pilot program.

The Offices may also terminate the PCT-PPH pilot program early if the volume of participation exceeds manageable level, or for any other reason. Notice will be published if the PCT-PPH pilot program is terminated before 5 January 2026.

#### **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 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 EPO, 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).

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

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 identify and explain which claim(s) is/are allowable 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 identify and explain which claim(s) is/are allowable. 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 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 Diagrams 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 Diagram B in Annex II)**
  - (C) The application is a national phase application of an international application claiming priority from the corresponding international application. (See Diagram C in Annex II)**
  - (D) The application is a national application claiming foreign/domestic priority from the corresponding international application. (See Diagram 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 Diagrams 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 as patentable/allowable in the EPO as ISA/IPEA.**

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 indicated as patentable/allowable in the EPO, or the claims in the JPO are narrower in scope than the claims indicated as patentable/allowable in the EPO. In this regard, a claim that is narrower in scope occurs when a claim indicated as patentable/allowable in the EPO 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 in the JPO which introduces a new/different category of claims to those claims indicated as patentable/allowable in the EPO is not considered to sufficiently correspond. For example, the claims indicated as patentable/allowable in the EPO only contain claims to a process of manufacturing a product, then the claims in the JPO are not considered to sufficiently correspond if the claims in the JPO introduce product claims that are dependent on the corresponding process claims.

- (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. Please note that the name of the documents omitted to submit still have to be listed in “The Explanation of Circumstances Concerning Accelerated Examination” (Please refer to the Example form for the detail).

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

In case the application satisfies the relationship I.(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)”\*, 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.)

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

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\* <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 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 French or German, the translations must be submitted by an applicant.

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

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 documents are unnecessary.

**(4) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be 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 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 identify and explain which

claim(s) is/are allowable.

**(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**

Forms of “The Explanation of Circumstances Concerning Accelerated Examination” are different between on-line procedure and paper procedure. Please refer to the examples of forms when filling in (“Form 1 for Accelerated Examination” for on-line procedures, and “Form 2 for Accelerated Examination” for paper procedures.).

### Example form of on-line procedures

<p>【書類名】 早期審査に関する事情説明書                  -----                  The name of this paper</p>		<p style="border: 1px solid orange; padding: 5px; display: inline-block;">Bibliographical items</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】 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                  -----                  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                  -----                  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、欧州特許庁が作成した最新国際段階成果物において特許性有りとの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 the EPO.</p>		
<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。</p>		
<p>In what follows, “non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2<sup>nd</sup> edition, Scientist com, Nov. 1985, p.123-127.”</p>		

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

【物件名】 PPH 申請書 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) Cited non-patent literature1 1

List up the documents to be submitted

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

(The name of the document) 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)					
<b>A. 書誌事項 (Bibliographic Data)</b>					
出願番号 (Application Number)	特願0000-000000				
<b>B. 必要事項 (Request)</b>					
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))	欧州特許庁(EPO)				
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				
<b>C. 必要書類 (Required Documents)</b>					
<b>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)</b>					
<p>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)</p> <p><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)</p>					
<p>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)</p> <p><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)</p>					
<b>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)</b>					
<p>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)</p> <p><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)</p>					
<p>4. <input 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)</p> <p><input checked="" 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)</p>					
<b>III. 引用文献 (Documents Cited in OEE Work Products (if required))</b>					
<p>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)</p> <p><input type="checkbox"/> 引用非特許文献も引用特許文献もなし (No references cited)</p>					

<b>IV. 先の提出書類の援用の表示 (Previously submitted documents)</b>			
6. <input checked="" 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:)			
		(先行庁のオフィスのアクションの写し、及び、その翻訳文)	
		<input style="width: 95%;" type="text"/>	
		(先行庁における特許可能な請求項、及び、その翻訳文)	
		<input style="width: 95%;" type="text" value="0000年00月00日付け提出の条約第34条による補正書の翻訳文"/>	
		<input style="width: 95%;" type="text" value="(援用)特願0000-000000平成00年00月00日付特許協力条約第34条補正の翻訳文提出書"/>	
		(引用非特許文献)	
		<input style="width: 95%;" type="text"/>	
<b>V. 提出物件 (援用する物件は除く) (List of names of documents submitted)</b> 早期審査に関する事情説明書に記載のとおり。			
<b>VI. 提出を省略する物件 (List of names of documents omitted for submission)</b>			
		(先行庁のオフィスのアクションの写し、及び、その翻訳文)	
		<input style="width: 95%;" type="text" value="0000年00月00日付 IPER/IPEA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)	
		<input style="width: 95%;" type="text" value="0000年00月00日付け提出の条約第34条による補正書の写し"/>	
		(引用特許文献)	
		<input style="width: 95%;" type="text" value="日本特許出願第0000-000000号公報"/>	
		<input style="width: 95%;" type="text" value="欧州特許出願第00000000号公報"/>	
		<input style="width: 95%;" type="text" value="米国特許出願第0000/0000000号公報"/>	
<b>D. 請求項の対応関係 (Claims Correspondence)</b>			
<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)
	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<b>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</b> (explaining any Box VIII observations of WO/ISA, WO/IPEA or IPER)			
<input style="width: 100%; height: 100%;" type="text"/>			
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】 引用非特許文献1  
Non-patent literature1  
【内容】

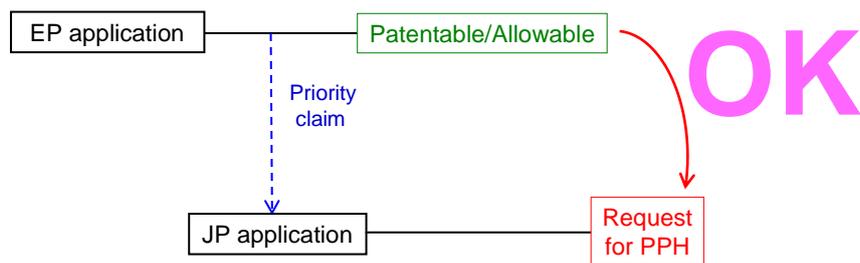
Attach the copy of the document.

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

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.

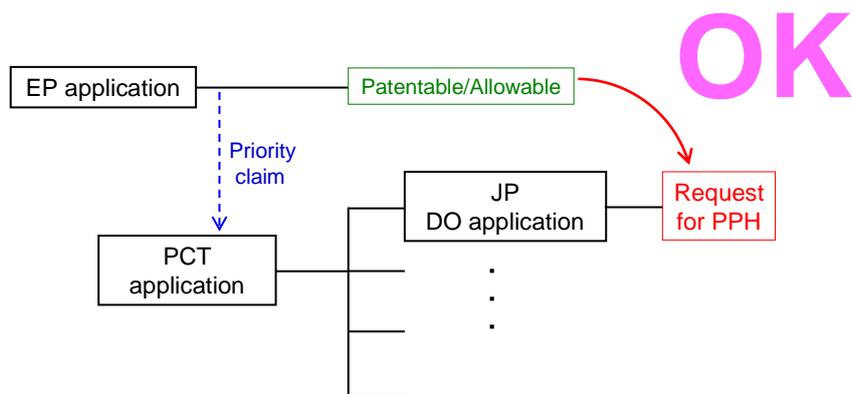
A

(Case I)  
- Paris route -



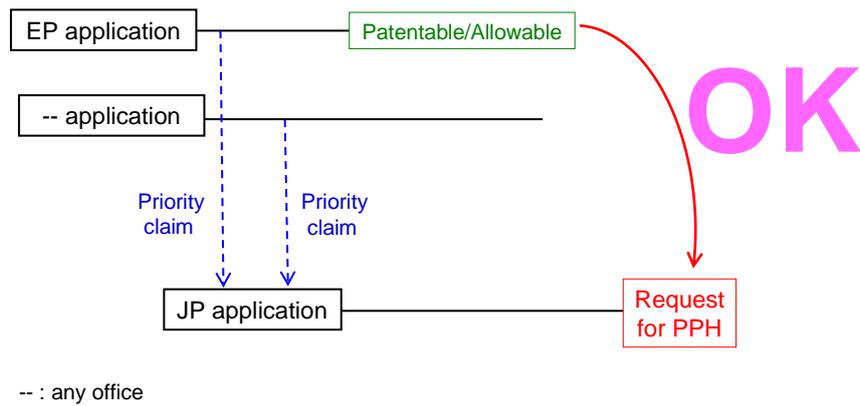
B

(Case I)  
- PCT route -



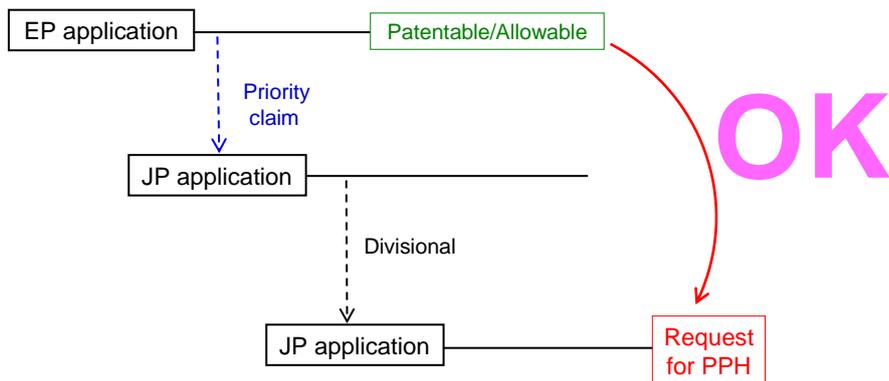
C

(Case I)  
- Paris route & Complex priority -



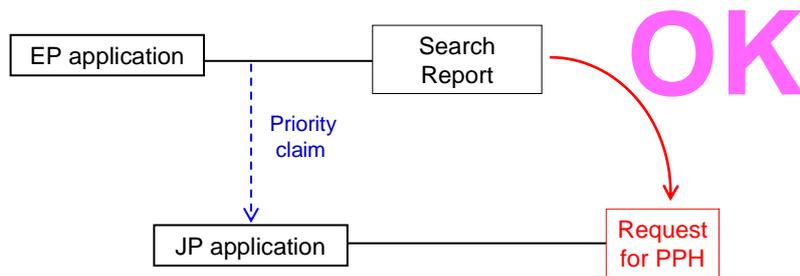
D

(Case I)  
- Paris route & divisional application -

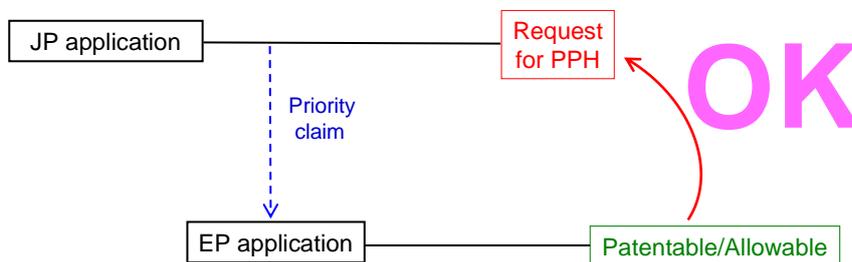


**E**

(Case I)  
- Search Report -

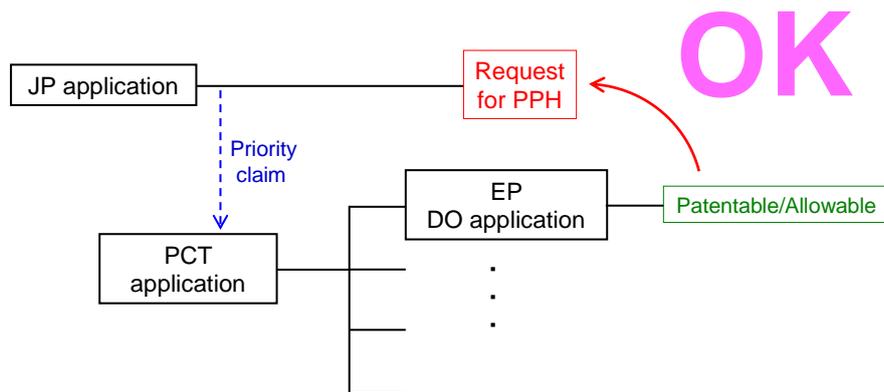
**F**

(Case II)  
- Paris route -



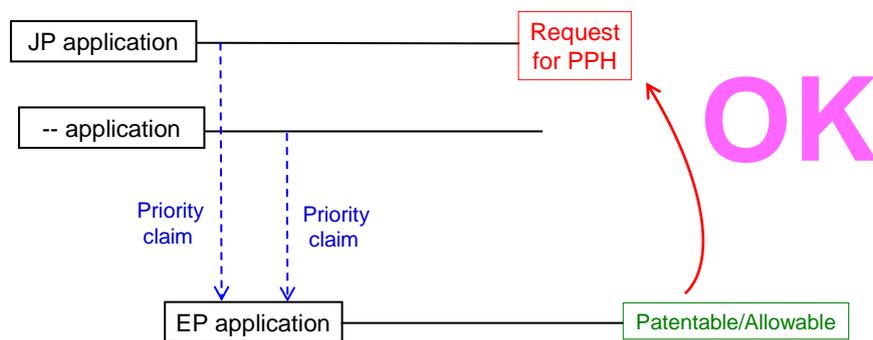
G

(Case II)  
- PCT route -



H

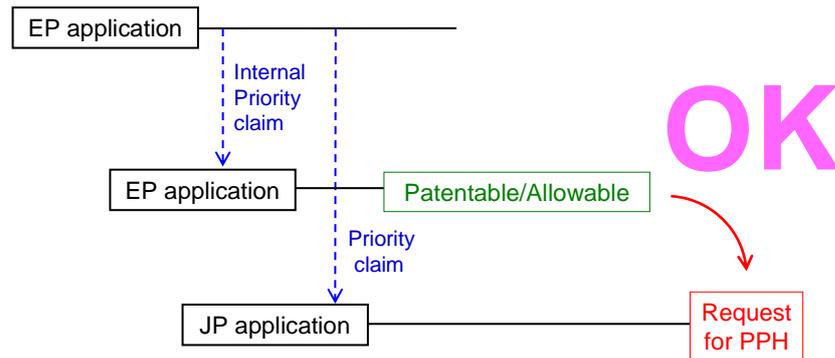
(Case II)  
- Paris route & Complex priority -



-- : any office

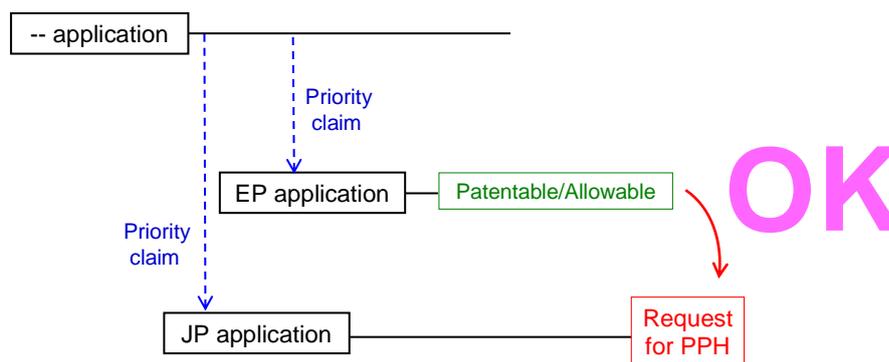
I

(Case III)  
- Paris route, Internal priority -



J

(Case III)  
- Paris route, but the first application is from the third country -

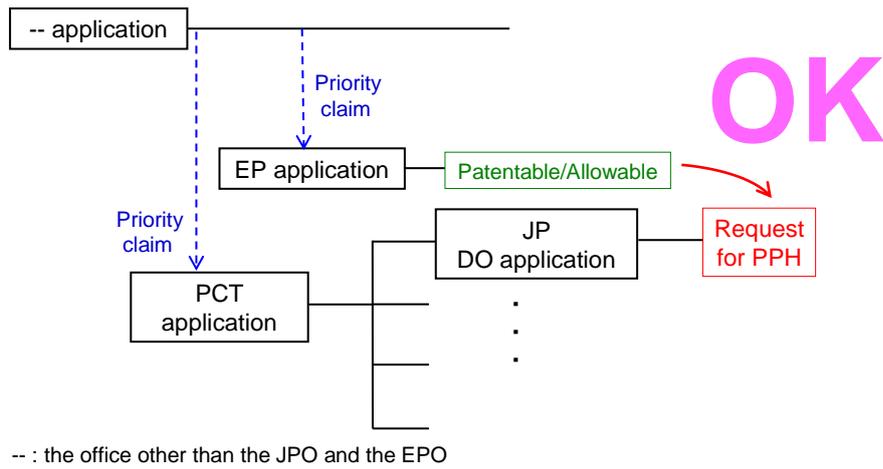


-- : the office other than the JPO and the EPO

K

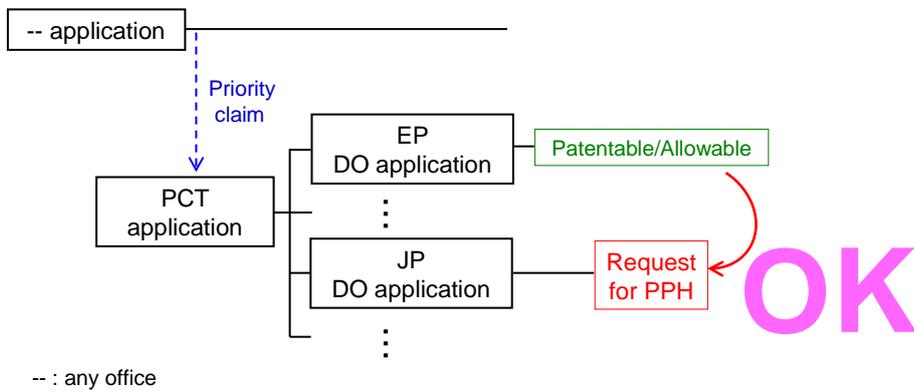
(Case III)

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



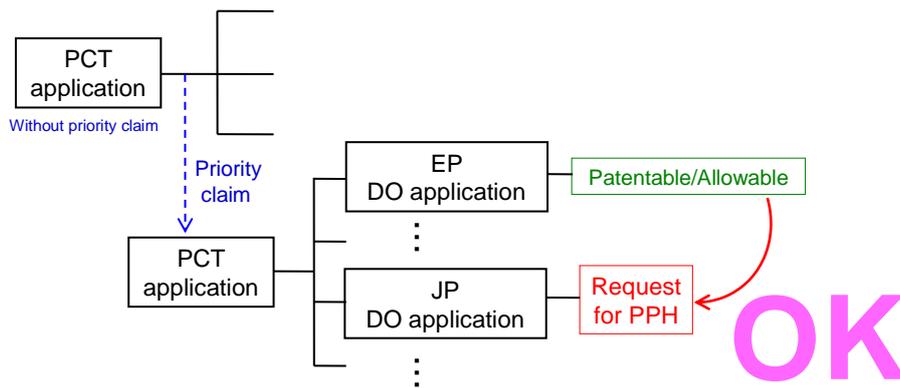
L

(Case III)  
- PCT route -



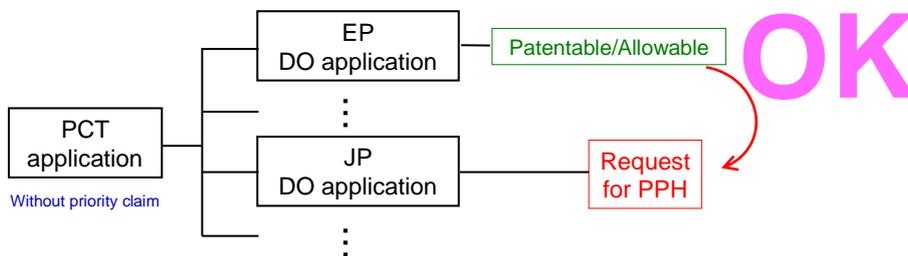
M

(Case III)  
- Direct PCT & PCT route -

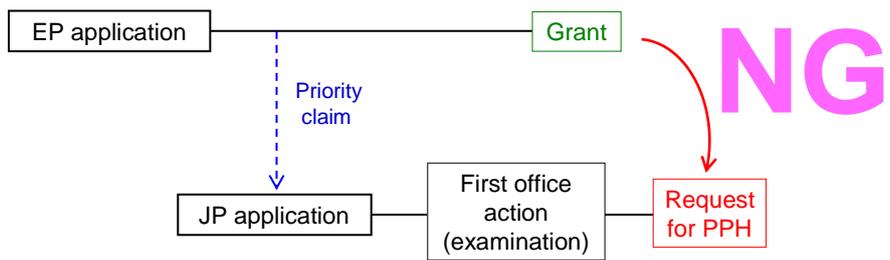


N

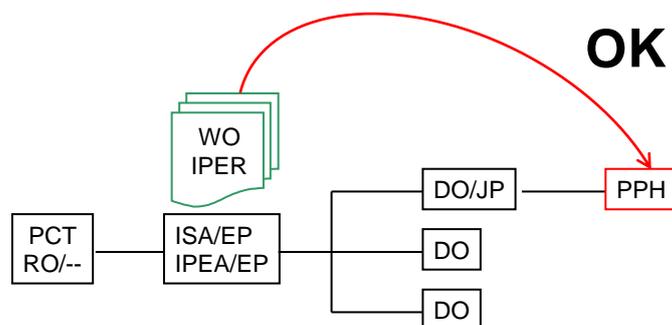
(Case IV)  
- Direct PCT route -



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

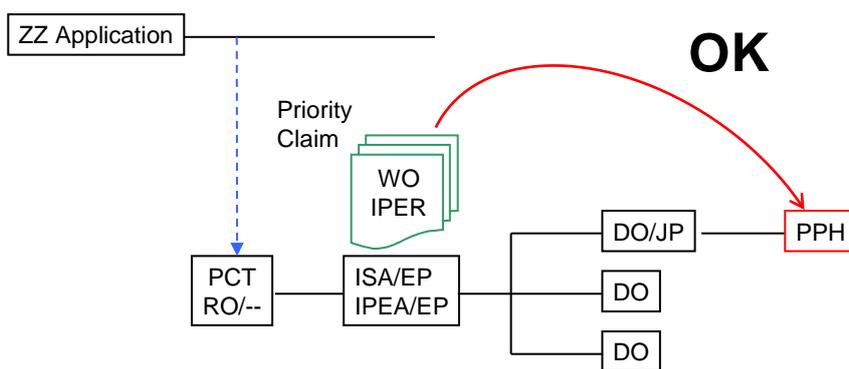


**(A) The application is a national phase application of the corresponding international application.**



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

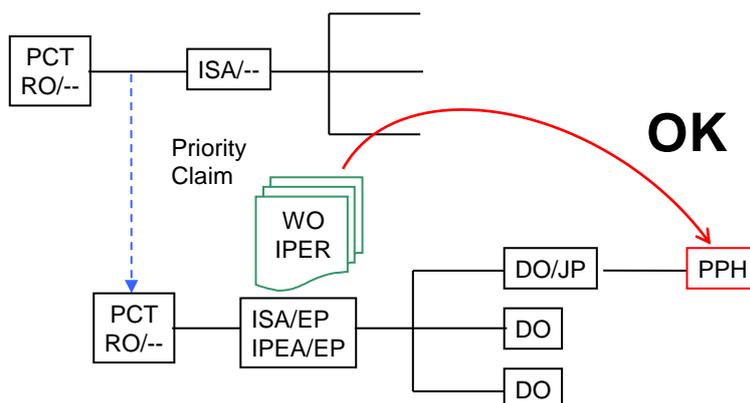
**(The corresponding international application claims priority from a national application.)**



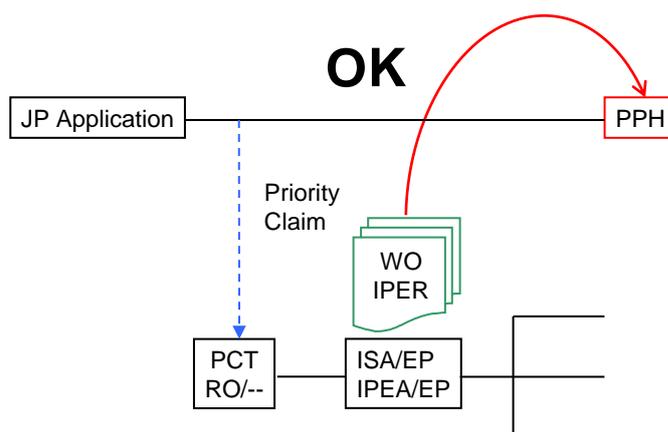
ZZ=any office

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

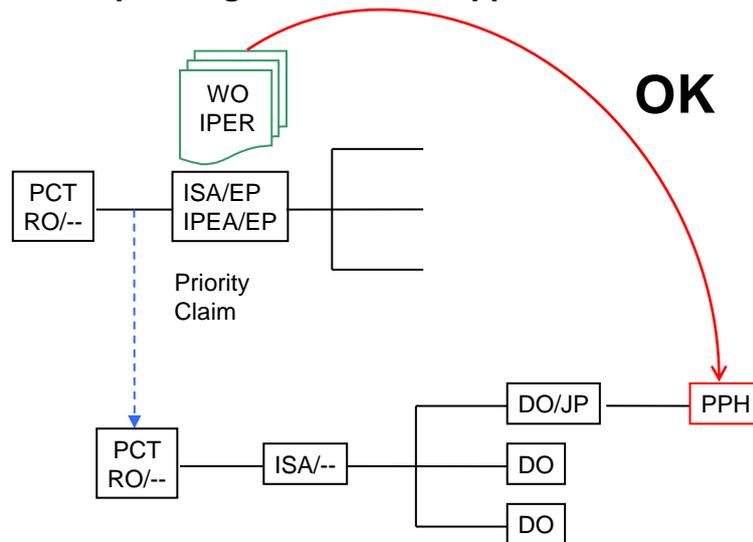
**(The corresponding international application claims priority from an international application.)**



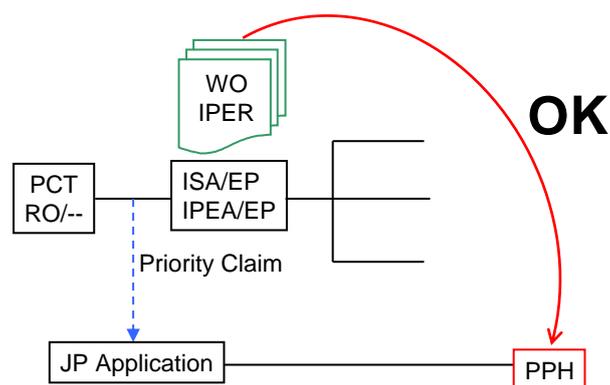
**(B) The application is a national application as a basis of the priority claim of the corresponding international application.**



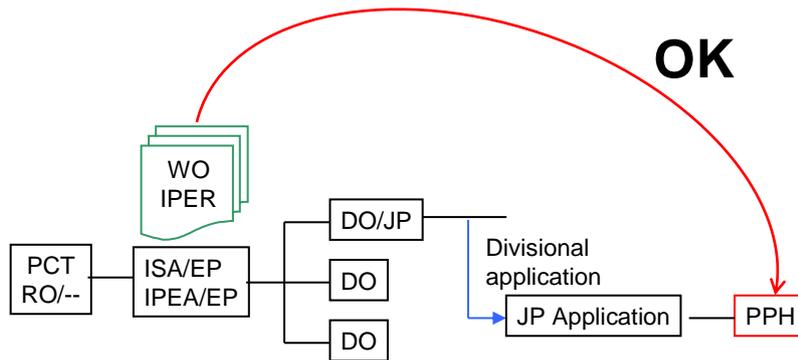
(C) The application is a national phase application of an international application claiming priority from the corresponding international application.



(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).**

