

25—01.1 P U D T

List of Important Time Limits (1)

(Ex parte Appeal, Opposition to Registration of Trademark, Hantei (Advisory Opinion))

(Patents (excluding Trial for invalidation, Trial for Correction))

Procedure	Legal provisions on which the procedure is based (application mutatis mutandis • similar laws/regulations)	Initial date	Time limit (extension)		Remarks
			Domestic resident	Overseas resident	
【 Legal period 】					
Amendment of specification • claims • drawings	Patent Act Article 17-2	Application date	Date of service of a transcript of Decision of Patent (excluding after receiving the decision of refusal)		
	Patent Act Article 17-2(1)(iv)	At the same time of requesting an appeal against the	-	-	

		examiner's decision of refusal			
Amendment of abstract	Patent Act Article 17-3	Application date or Priority date	1 year and 3 months	1 year and 3 months	
Application for exceptions to lack of novelty	Patent Act Article 30(1)(2)	Date of loss of novelty	1 year	1 year	
Filing a certificate certifying exceptions to lack of novelty	Patent Act Article 30(3)	Application date	30 days	30 days	
Application claiming priority	Patent Act Articles 43(1), 43-2(1)(2) Paris Convention Article 4 C(1)	Application date of a first country	Patent 12 months Design → Patent 6 months	Patent 12 months Design → Patent 6 months	
Filing a priority certificate	Patent Act Articles 43(2), 43-2(3)	Priority date	1 year and 4 months	1 year and 4 months	

	Patent Act Articles 44(3), 46(5)	Priority date	1 year and 4 months or 3 months from filing date of new application, whichever is the latest*		In case of divisional application, or converted application
Application claiming domestic priority	Patent Act Article 41(1)	Earlier application date	1 year	1 year	
Translation for application documents in foreign language	Patent Act Article 36-2(2)	Application date or Priority date	1 year and 2 months ☆	1 year and 2 months ☆	
Conversion of application (Utility Model →Patent)	Patent Act Article 46(1)	Application date	During the pendency of the utility model application, but within 3 years from the filing date		
Conversion of application (Design →Patent)	Patent Act Article 46(2)	a. Filing date of a design application b. Date of service of a transcript of	3 years 3 months	3 years 3 months	A first decision of refusal

		the decision of refusal of design application			
Payment of patent fee	Patent Act Article 108(1)	Date of service of a transcript of the examiner's decision of patent or trial/appeal decision of patent	30 days (30-day extension by request)	30 days (30-day extension by request)	
Request for appeal against examiner's decision of refusal	Patent Act Article 121(1)	Date of service of a transcript of the decision of refusal	3 months	3 months (1 month extension by ex officio)◇	
Request for retrial	Patent Act Article 173(1)	Day that the reason for retrial has been known after the trial decision becomes final and binding	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	

Action against trial decision	Patent Act Article 178(3)	Date of service of a transcript of the trial/appeal decision	30 days (15-day additional time frame) *	30 days (90-day additional time frame)	
【 Designated time limit, etc.】					
Amendment of Specification • Claims • Drawings	Patent Act Article 17-2(1)(i)(iii)	Date of dispatch of a notice of reasons for refusal	60 days or 75 days* (1 month extension by request)	3 months (3-month extension by request)	
Order for formality amendments	Patent Act Articles 17(3), 133(1)(2), 71(3), 174(2)	Date of dispatch of a written invitation	30 days	30 days	
Filing a written explanation	Patent Act Articles 18-2(2), 133-2(2), 73(3), 174(2)	Date of dispatch of a notice of reasons for dismissal	30 days	30 days	

Time limit of resumption by order	Patent Act Article 23(1)	Date of dispatch of an order of resumption	60 days or 75 days*	3 months	
Filing a written opinion (Statement of opinion)	Patent Act Articles 50, 159(2), 163(2), 174(2)	Date of dispatch of a notice of reasons for refusal	60 days or 75 days* (1 month extension by request)	3 months (3-month extension by request) #	
	Patent Act Articles 150(5), 153(2), 174(2)	Date of dispatch of results of examination of evidence ex officio, or ex officio preservation of evidence Date of dispatch of results of ex officio proceedings	60 days or 75 days*	3 months#	

Filing a written opinion in Hantei (Advisory opinion)	Patent Act Articles 71(3), 150(5), 153(2)	Date of dispatch of results of ex officio examination of evidence or preservation of evidence Date of dispatch of results of ex officio proceedings	30 days	60 days	
Filing a written reply in Hantei (Advisory opinion)	Patent Act Articles 71(3), 131(4) Enforcement Regulations of the Patent Act Articles 40, 47-2(1)	Date of dispatch of an order of reply	30 days	60 days	
Filing a refutation in Hantei (Advisory opinion)	Enforcement Regulations of the Patent Act Articles 40, 47-3(1)	Date of dispatch of an invitation of refutation	30 days	60 days	

Written reply against an inquiry	Patent Act Articles 134(4), 174(2)	Date of dispatch of an inquiry	60 days or 75 days* (1 month extension by request)	3 months (3-month extension by request) #	Possible to specify a different time limit
	Patent Act Article 71(3)	Date of dispatch of an inquiry (Hantei (Advisory opinion))	30 days	60 days	
Submission of a receipt of registered mail, etc.	Patent Act Articles 71(3), 134(4), 174(2)	Date of dispatch of a notice of request for submission of articles	10 days	10 days	

Note 1. * is for persons in remote areas or areas with transportation difficulties

Note 2. # shows 60 days when it is deemed that a written opinion may be prepared only by an agent (see Manual for Trial/Appeal Proceedings 25-01 I.2. (1))

Note 3. Regarding *, in case of a filing date of an original application is before December 31, 1998 is 1 year and 4 months

Note 4. Regarding ☆, when a divisional application, a converted application or an application based on the utility model registration is filed after more than 1 year has passed from the original filing date (in case of an application claiming priority under the Paris Convention, a priority date), within 2 months from the date of filing said divisional application, etc.

Note 5. Regarding ◇, in case where an appeal against examiner's decision of refusal regarding registration of extension of the term, the time limit shall not be extended.

(Design • Trademark (excluding Trial for invalidation, Trial for Correction))

Procedure	Legal provisions on which the procedure is based (application mutatis mutandis • similar laws/regulations)	Initial date	Time limit (extension)		Remarks
			Domestic resident	Overseas resident	
【 Legal period 】					
Amendment	Design Act Article 60-24, Trademark Act Article 68-40(1), Supplementary provisions of the Trademark Act Article 24		During the pendency of examinations, proceedings for opposition to registration of trademark, a trial or a retrial		
	Trademark Act Article 68-40(2)		At the same time of payment of the registration fee of the trademark (Amendment		

			for reducing the number of classes in the trademark application)		
Application for exceptions to lack of novelty	Design Act Article 4(1)(2)	Date of loss of novelty	1 year	1 year	
Filing a certificate for the above exceptions to lack of novelty	Design Act Article 4(3)	Application date	30 days	30 days	
Application to be applied special provisions at the time of filing	Trademark Act Article 9(1)	Date when a trademark used for goods or services listed or exhibited at an exhibition	6 months	6 months	
Filing a certificate for the above special provisions	Trademark Act Articles 9(2)	Application date	30 days	30 days	
Application claiming priority	Design Act Article 15(1), Trademark	Filing date of a first country	Design • Trademark 6 months	Design • Trademark 6 months	

	Act Article 13(1), 68(1), Paris Convention Articles 4C, E1		Trademark • Utility Model → Design 6 months	Trademark • Utility Model → Design 6 months	
Filing a priority certificate	Design Act Articles 15(1), Trademark Act Articles 13(1), 68(1)	Date of a domestic application (not applicable to legal fiction)	3 months	3 months	
Conversion of application (Patent → Design)	Design Act Article 13(1)	Date of service of a transcript of the decision of refusal	3 months	3 months	A first decision
Conversion of application (Utility Model → Design)	Design Act Article 13(2)		During the pendency of the utility model application		
New application after dismissal of	Design Act Article 17-3(1), Trademark	Date of service of a transcript of decision of	3 months	3 months	

amendment (Examination stage)	Act Articles 17- 2(1), 68(2)	dismissal of amendment			
New application after dismissal of amendment (Appeal stage)	Design Act Article 50(1), Trademark Act Articles 55- 2(1), 68(3)	Date of service of a transcript of decision of dismissal of amendment	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	
Payment of registration fee	Design Act Article 43(1), Trademark Act Articles 41(1), 65-8(1)(2)	Date of service of a transcript of the decision of patent or trial/appeal decision	30 days (30-day extension by request) *	30 days (30-day extension by request)	
Inspection to application documents, etc.	Trademark Act Articles 18(4), 68(3)	Date of issue of a trademark gazette	2 months	2 months	
Request for opposition to registration of trademark	Trademark Act Articles 43-2, 68(4)	Date of issue of a trademark gazette	2 months	2 months	

Amendment of reasons, etc. for requesting an opposition to registration of trademark	Trademark Act Articles 43-4(2), 68(4)	Last day of the time limit for requesting an opposition	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	
Request for appeal against examiner's decision of refusal	Design Act Article 46(1), Trademark Act Articles 44(1), 68(4), Supplementary Provisions of the Trademark Act Articles 13, 23	Date of service of a transcript of the decision of refusal	3 months	3 months	
Request for appeal against examiner's decision to dismissal of amendment	Design Act Article 47(1), Trademark Act Articles 45(1), 68(4)	Date of service of a transcript of the decision of dismissal of amendment	3 months	3 months	

Request for retrial	Design Act Article 58(1), Trademark Act Articles 61, 68(5), Supplementary Provisions of the Trademark Act Article 20	Date that the reason for retrial has been known after the trial decision becomes final and binding	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	
Action against trial decisions, etc.	Design Act Article 59(2), Trademark Act Articles 63(2), 68(5), Supplementary Provisions of the Trademark Act Articles 22(2), 23	Date of service of a transcript of the trial/appeal decision	30 days (15-day additional time frame) *	30 days (60-day additional time frame)	
【 Designated time limit, etc.】					

Order of amendment of formalities	Design Act Articles 25(3), 52, 58(2)(3), 68(2), Trademark Act Articles 28(3), 43-15(1), 56(1), 60-2(1), 62(1)(2), 68(4)(5), 77(2), Supplementary Provisions of the Trademark Act Articles 17(1), 21, 23, 27(2)	Date of dispatch of an order of amendment	30 days	30 days	
Filing a written opinion on Hantei (Advisory opinion)	Design Act Articles 25(3), 28(3), 68(3)	Date of dispatch of results of ex officio examination of evidence Date of dispatch of results of ex officio proceedings	30 days	60 days	

Filing a written reply on Hantei (Advisory opinion)	Design Act Article 25(3), Enforcement Regulations of the Design Act Article 19(5), Trademark Act Article 28(3), 68(3), Enforcement Regulations of the Trademark Act Article 22(4)	Date of dispatch of an invitation of written reply	30 days	60 days	
Filing a refutation on Hantei (Advisory opinion)	Enforcement Regulations of the Design Act Article 19(5), Enforcement Regulations of the Trademark Act Article 22(4)	Date of dispatch of an invitation of refutation	30 days	60 days	

Filing a written opinion (Statement of opinion) against a notice of reasons for refusal or a notice of reasons for revocation	Design Act Articles 50(3), 57(1), Trademark Act Articles 15-2, 15-3(1), 43-12, 55-2(1), 60-2(1)(2), 65-5, 68(2)(4)(5), Supplementary Provisions of the Trademark Act Articles 7, 16, 19, 23, Supplementary Provisions of the 1996 Act on Partial Revision of the Trademark Act, etc. Article 12	Date of dispatch of a notice of reasons for refusal Date of dispatch of a notice of reasons for rescission	40 days or 55 days*	3 months (1 month extension by request) 40 days depending on the reasons	
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Statement of opinions on ex officio examination of evidence or ex officio preservation of evidence	Design Act Articles 52, 58(2)(3). Trademark Act Article 43-8, 56(1), 62(1)(2), 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 21	Date of dispatch of results of ex officio examination or ex officio preservation of evidence	40 days or 55 days	3 months (1 month extension by request)	
Filing a written explanation	Design Act Articles 25(3), 52, 58(2)(3), 68(2), Trademark Act Articles 28(3), 43-15(1), 56(1), 62(1)(2), 77(2), 68(3)(4)(5), Supplementary Provisions of the Trademark Act	Date of dispatch of a notice of reasons for dismissal	30 days	30 days	

	Articles 17(1), 21, 23, 27(2)				
Written supplement	Trademark Act Article 5-2(2)	Date of dispatch of an invitation	1 month or 1 month + 15 days*	2 months	
Time limit of resumption by order	Design Act Article 68(2), Trademark Act Article 77(2)	Date of dispatch of an order of resumption	60 days or 75 days*	3 months	
Written reply on an inquiry	Design Act Articles 52, 58(2)(3), Trademark Act Articles 43-15(1), 56(1), 62(1)(2), 68(4)(5)	Date of dispatch of an inquiry	40 days or 55 days *	3 months (1 month extension by request)	Possible to specify a different time limit
	Design Act Article 25(3), Trademark Act Articles 28(3), 68(3)	Date of dispatch of an inquiry (Hantei (Advisory opinion))	30 days	60 days	
Filing a receipt of registered mail, etc.	Design Act Articles 25(3), 52, 58(2)(3),	Date of dispatch of a notice of request	10 days	10 days	

	68(2), Trademark Act Article 28(3), 43-15(1), 56(1), 62(1)(2), 77(2), 68(4), Supplementary Provisions of the Trademark Act Articles 17(1), 23, 27(2)	for submission of articles			
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