

25—01.1 P U D T

List of Important Time Limits (1)

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

(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	a service date 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	6 months	6 months	
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 4C(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 foreign language written application	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. a Service date of a transcript of the decision of refusal	3 years 3 months	3 years 3 months	A first decision of refusal

		of design application			
Payment of patent fee	Patent Act Article 108(1)	a Service date of a transcript of the examiner's decision of patent or trial/appeal decision of patent	30 days (30 days extension by request)	30 days (30 days extension by request)	
Request for appeal against examiner's decision of refusal	Patent Act Article 121(1)	a Service date 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)	Date known the reason for retrial after the trial decision becomes final and binding	30 days (15 days extension by ex officio)*	30 days (60 days extension by ex officio)	
Action against trial decision	Patent Act Article 178(3)	Service date of a transcript of the	30 days (15 days additional time frame)*	30 days (90 days additional time frame)	

		trial/appeal decision			
【 Designated time limit, etc.】					
Amendment of Specification · Claims · Drawings	Patent Act Article 17-2(1)(i)(iii)	Dispatching date of a notice of reasons for refusal	60 days or 75 days* (1 month extension by request)	3 months (3 months extension by request)	
	Patent Act Article 17-2(1)(ii)	Dispatching date of a notice under Patent Act Article 48-7	30 days or 45 days*	60 days	
Order for amendment of formalities	Patent Act Articles 17(3), 133(1)(2), 71(3), 174(2)	Dispatching date 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)	Dispatching date of a notice of reasons for dismissal	30 days	30 days	

Time limit of succession by order	Patent Act Article 23(1)	Dispatching date of an order of succession	60 days or 75 days*	3 months	
Filing a written opinion (Statement of opinion)	Patent Act Article 50, 67-4, 71(3), 150(5), 159(2), 163(2), 174(2)	<ul style="list-style-type: none"> • Dispatching date of a notice of reasons for refusal • Dispatching date of a notice of proceedings results • Dispatching date of a notice of results of examination of evidence or preservation of evidence 	60 days or 75 days* (1 month extension by request)	3 months (3 months extension by request)#	
	Patent Act Article 48-7	Dispatching date of a notice under Patent Act Article 48-7	30 days or 45 days* In case of dispatching together with a notice of	60 days In case of dispatching together with a notice of	

			reasons for refusal, 60 days or 75 days*	reasons for refusal, 3 months	
Filing a written opinion on an advisory opinion	Patent Act Article 71(3)	Dispatching date of a notice of results of examination of evidence or preservation of evidence	30 days	60 days	
Filing a written reply on an advisory opinion	Patent Act Article 71(3), Enforcement Regulations of the Patent Act Article 40	Dispatching date of a duplicate of request for an advisory opinion	30 days	60 days	
Filing a refutation on an advisory opinion	Enforcement Regulations of the Patent Act Article 47-3(1)	Dispatching date of an invitation of refutation	30 days	60 days	

Written reply on an inquiry	Patent Act Article 134(4), 174(2)	Dispatching date of an inquiry	60 days or 75 days* (1 month extension by request)	3 months (3 months extension by request)#	Possible to specify a different time limit
	Patent Act Article 71(3)	Dispatching date of an inquiry (Advisory opinion)	30 days	60 days	
Filing a receipt of registered mail, etc.	Patent Act Articles 71(3), 134(4), 174(2), 194(1)	Dispatching date of a notice of request for submission of articles	10 days	10 days	

Note 1. * is for those reside in remote areas or an area with transportation difficulty

Note 2. # shows 60 days depending on reasons (see Manual for Trial/Appeal Proceedings 25-01 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 60-3, 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	6 months	6 months	
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 Act Article 13(1), 68(1), Paris	Filing date of a first country	Design · Trademark 6 months Trademark · Utility Model → Design	Design · Trademark 6 months Trademark · Utility Model → Design	

	Convention Articles 4C, E1		6 months	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)	Service date 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 amendment (Examination stage)	Design Act Article 17-3(1), Trademark Act Articles 17- 2(1), 68(2)	Service date of a transcript of decision of dismissal of amendment	3 months	3 months	

New application after dismissal of amendment (Appeal stage)	Design Act Article 50(1), Trademark Act Articles 55-2(1), 68(3)	Service date of a transcript of decision of dismissal of amendment	30 days (15 days extension by ex officio)*	30 days (60 days extension by ex officio)	
Payment of registration fee	Design Act Article 43(1), Trademark Act Articles 41(1), 65-8(1)(2)	Service date of a transcript of the decision of patent or trial/appeal decision	30 days (30 days extension by request)*	30 days (30 days 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	Trademark Act Articles 43-4(2), 68(4)	Last day of the time limit for requesting an opposition	30 days (15 days extension by ex officio)*	30 days (60 days extension by ex officio)	

opposition to registration of trademark					
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	Service date 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)	Service date 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,	Date known the reason for retrial after the trial	30 days (15 days extension by ex officio)*	30 days (60 days extension by ex officio)	

	68(5), Supplementary Provisions of the Trademark Act Article 20	decision becomes final and binding			
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	Service date 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), 43-14(1), 56(1) 62(1)(2), 68(4), 77(2), Supplementary Provisions of the Trademark Act Articles 17(1), 21, 23, 27(2)	Dispatching date of an order of amendment	30 days	30 days	
Filing a written reply on an advisory opinion	Design Act Article 25(3), Enforcement Regulations of the Design Act Article 19(4), Trademark Act Article 28(3), Enforcement	Dispatching date of an invitation of written reply	30 days	60 days	

	Regulations of the Trademark Act Article 22(6)				
Filing a refutation on an advisory opinion	Enforcement Regulations of the Design Act Article 19(4), Enforcement Regulations of the Trademark Act Article 22(6)	Dispatching date of an invitation of refutation	30 days	60 days	
Filing a written opinion (Statement of opinion)	Design Act Articles 19, 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	<ul style="list-style-type: none"> • Dispatching date of a notice of reasons for refusal • Dispatching date 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	

	<p>Trademark Act</p> <p>Articles 7, 16, 19, 23, Supplementary Provisions of the 1996 Act on Partial Revision of the Trademark Act, etc.</p> <p>Article 12</p>				
<p>Statement of opinions on investigation of evidences or preservation of evidences</p>	<p>Design Act Articles 52, 58(2) , Trademark Act Article 43-8, 56(1), 68(4), Supplementary Provisions of the Trademark Act Articles 17(1), 21</p>	<p>Dispatching date of a notice of results of investigation or preservation of evidences</p>	<p>40 days or 55 days</p>	<p>3 months (1 month extension by request)</p>	

Filing a written explanation	Design Act Articles 25(3), 52, 58(2)(3), 68(2), Trademark Act Articles 28(3), 43-14(1), 56(1), 62(1)(2), 77(2), 68(4), Supplementary Provisions of the Trademark Act Articles 17(1), 21, 23, 27(2)	Dispatching date of a notice of reasons for dismissal	30 days	30 days	
Written supplement	Trademark Act Article 5-2(2)	Dispatching date of an invitation	1 month or 1 month + 15 days*	2 months	
Time limit of succession by order	Design Act Article 68(2), Trademark Act Article 77(2)	Dispatching date of an order of succession	60 days or 75 days*	3 months	

Written reply on an inquiry	Design Act Articles 52, 58(2)(3), Trademark Act Article 56(1)	Dispatching date 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 Article 28(3)	Dispatching date of an inquiry (Advisory opinion)	30 days	60 days	
Filing a receipt of registered mail, etc.	Design Act Articles 25(3), 52, 58(2)(3), 68(2), Trademark Act Article 28(3), 43-14(1), 56(1), 62(1)(2), 77(2), 68(4), Supplementary Provisions of the Trademark Act Articles 17(1), 23, 27(2)	Dispatching date of a notice of request for submission of articles	10 days	10 days	

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(Revised Oct 2015)