

25—02 P U D T

Calculation of Time Limits

1. Calculation of time limits does not include the first day of the time limits, unless the time limits start from midnight. When the time limits are expressed by months or years, the calculation of the time limits follows the calendar. When initial date of the time limits are not a first date of month or year, the time limits expires the day before the day corresponding to the initial date in the last month or year of the time limit. However, if there is no corresponding day to the initial date in the last month, the time limits expires the last day of the last month. When the last day of the time limit falls into holidays of Government agencies, the last day of the time limits shall be the following day of the holiday (Patent Act Article 3, Utility Model Act Article 2-5(1), Design Act Article 68(1), Trademark Act Article 77(1)).

2. An extended time limit (Patent Act Article 4, Utility Model Act Articles 39-2(4), 54-2(5), 45(2), Design Act Article 68(1), Trademark Act Article 77, Patent Act Article 5, Utility Model Act Article 2-5(1), Design Act Article 68(1), Trademark Act Article 77(1)) shall be integrated with the original time limit before extension and it becomes one total time limit during which procedures may be completed. In this case, “last day of the time limit” means the last day of one total time limit which is calculated from the initial date of the original time limit and then added the extended time limit.

Therefore, even if the last day of the time limits before extension falls on Saturday, Sunday, or a national holiday in Japan, etc., the Patent Act Article 3(2) is not applicable to the last day of the time limit before extension ((1982 (Gyo-Ke) 94) Judgment of the Tokyo High Court, October 21, 1982), ((2004 (Gyo-Ke) 61) Judgment of the Tokyo High Court, April 27, 2004).

(Revised February 2015)