

25—01 P U D T

Designated Time limit of Ex parte Appeal, Opposition to Registration of Trademark, and Hantei (Advisory Opinion)

Designated time limit of an ex parte appeal, an opposition to registration of trademark, and Hantei (advisory opinion) is as described in this chapter. For the following cases where this section (25-01) does not apply, please refer to each section below.

The same applies to a retrial on a final and binding trial decision for ex parte appeals and oppositions to registration of trademark.

Designated time limit of a trial for invalidation, a trial for correction and a trial for rescission of trademark registration (→ 25-01.2)

Designated time limit of an opposition to grant of patent (→ 25-01.4)

Extension of the designated time limit (→ 25-04)

I. Principle

The designated time limit is in principle handled as follows (The same applies to opposition to registration of trademark cases).

When, however, there is an agreement with a demandant/appellant, etc., a time limit different from the following time limit could be designated.

1. In a case where a person performing a procedure is a domestic resident (a resident in Japan)

(1) Based on the provisions of the law and the ministerial ordinance, a time limit which is designated by the Commissioner of the Japan Patent Office or a chief administrative judge (the designated time limit), shall be 60 days for a patent, 40 days for a design and a trademark, except for the followings.

(2) The designated time limit for submitting a written amendment and a written explanation is 30 days against an order of amendment or a notice of reasons for dismissal (Patent Act Articles 17(3), 18-2(2), 133(1)(2), 133-2(2),

provisions that apply *mutatis mutandis* to these provisions (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), 68(2), Trademark Act Article 43-15(1), 56(1), 60-2(1), 62(1)(2), 68(4)(5), 77(2)).

(3) Regarding a time limit of a certificate of experimental results, or a special model or sample to be submitted by a person who is requested to submit a written reply against an inquiry (Patent Act Article 134(4), provisions that apply *mutatis mutandis* to Patent Act Article 134(4) (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), Trademark Act Articles 43-15(1), 56(1), 62(1)(2), 68(4)(5)), a different time limit from one designated in (1) may be designated considering each case.

(4) If a date stamp indicating date of mailing of documents or articles with a designated time limit for submissionsent by postal mail or correspondence delivery service is not clear and it is unclear whether they are submitted within the designated time limit, a receipt of a registered mail, a special record mail, etc. are required. In that case, the designated time limit is 10 days (Patent Act Articles 134(4), 174(2)).

(5) If it is recognized that persons undertaking procedures and their agents are not possible to perform the procedures within the time limit specified in above (1) and (2) for reasons not attributable to them, a new time limit different from a time limit designated in above (1) and (2) may be designated, or necessary extensions of time to perform the procedures may be granted.

(6) An extension of time limit for persons in remote areas or areas with transportation difficulties (Patent Act Article 5, Design Act Article 68(1), Trademark Act Article 77(1) that apply *mutatis mutandis* to Patent Act Article 5) is applied when persons undertaking procedures or their agents reside in areas listed in the annex table below, and the extension time limit shall be 15 days.

2. In a case where a person undertaking procedures is an overseas resident

(1) A designated time limit for submitting documents and other articles shown below shall be 3 months for patents, designs. However, when it is found these articles may be prepared only by an agent, the designated time limit shall be the same as regulated in above 1. (1).

A. Written opinion

B. Written notice responding to an order for consultation (Patent Act Article 39(6), Design Act Article 9(4), Trademark Act Article 8(4))

C. Articles in above 1. (3)

D. Written amendment (except for a written amendment submitted by a person who is ordered an amendment under the Patent Act Article 17(3), the Patent Act Article 133(1)(2) and provisions that apply mutatis mutandis to these provisions (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), 68(2), Trademark Act Articles 43-15(1), 56(1), 60-2(1), 62(1)(2), 68(4)(5), 77(2)).

(2) A designated time limit for submitting a written amendment or a written explanation of above 1. (2) shall be 30 days.

(3) A designated time limit for submitting articles other than those specified in each item of above (1) shall be the same as a time limit specified in above 1. (1).

(4) The provisions in above 1. (3) ~ (5) are applied mutatis mutandis to cases where an overseas residents perform procedures.

II. Designated Time limit of Hantei (Advisory Opinion)

1. A designated time limit for filing a written opinion, a written reply and a refutation on Hantei (Advisory opinion) shall be, common to all laws, 30 days for a domestic resident and 60 days for an overseas resident (no extension is allowed by request).

2. A time limit for filing a written opinion or a written explanation is 30 days (that is designated as in above I. 2. (2)).

(→ Time Limits in General, Formality Examination Manual (04. Time Limits))

Annex Table

Tokyo	Izu Islands ・ Ogasawara Islands
Ishikawa Prefecture	Hegura Island, Ama-cho, Wajima-shi,
Kagoshima Prefecture	Nansei Islands
Okinawa Prefecture	Surrounding islands excluding Okinawa main island
Hokkaido	Islands surrounding Hokkaido

(Revised March 2025)

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

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25—01.2 P U D T

Designated Time Limit: Trial for Invalidation, Trial for Correction, and Trial for Rescission of Trademark Registration

For a trial for invalidation, a trial for correction, and a trial for rescission of trademark registration, a time limit designated by a chief administrative judge based on the provisions of laws and ministerial ordinances (the designated time limit) is determined below as the standard designated time limit.

The same applies to a retrial for a final and binding decision of a trial for invalidation, a trial for correction, and a trial for rescission of trademark.

1. Standard Designated Time Limit for Domestic Residents

(1) Standard designated time limit for an opportunity of substantial allegations and evidence

A. Opportunity for substantial allegations and evidence for a right holder

(A) After demanding a trial for invalidation and a trial for rescission of trademark registration, a statutory time limit to reply (a time limit of request for correction) provided to a right holder for the first time (Patent Act Article 134(1), Utility Model Act Article 39(1), Design Act Article 52, Trademark Act Article 56(1)) shall be 60 days for patents, 30 days for utility models, or 40 days for designs and trademarks.

(B) For the second opportunity to reply, there is a statutory opportunity to reply when an amendment is made to change the gist of reasons for request (Patent Act Article 134(2), Utility Model Act Article 39(2), Design Act Article 52), an opportunity to reply under the enforcement regulations (Enforcement Regulations of the Patent Act Article 47-2(1), Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark

Act Article 22(8)), or reapplication of the statutory first opportunity to reply (Patent Act Article 134(1), Utility Model Act Article 39(1), Design Act Article 52, Trademark Act Article 56(1)), and in any cases of the above the time limit shall be 30 days.

(C) For an opportunity for correction against an advance notice of trial decision (Patent Act Article 164-2(2)), a time limit provided to a right holder shall be 60 days.

B. Opportunity for substantial allegations and evidence for a demandant of a trial for invalidation and a demandant of a trial for rescission of trademark registration

(A) A time limit for reply inviting a demandant of a trial for invalidation and a demandant of a trial for rescission of trademark registration to submit a rebuttal to the written reply of the right holder shall be 30 days (Enforcement Regulations of the Patent Act Article 47-3(1), Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark Act Article 22(6)).

C. A time limit to reply to a notice of results of ex officio proceedings

(A) 30 days for the following procedures: a time limit for filing a statement in responding to a notice of results of ex officio proceedings by a right holder (Patent Act Article 153(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)); a time limit for filing a statement in response to a notice of reasons for refusal of correction in a trial correction (Patent Act Article 134-2(5)); and a time limit for filing a statement in response to a notice of results of investigation of evidence by ex officio (Patent Act Article 150(5), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)).

(B) A time limit for responding to an inquiry in document proceedings (Patent Act Article 134(4), Utility Model Act Article 39(3), Design Act Article 52, Trademark Act Article 56(1)) shall be about 15 days as a reference,

but a chief administrative judge shall designate a response time limit deemed appropriate considering the content of an inquiry.

(2) A standard designated time limit for procedures already prepared by the right holder

A. When a decision to reverse the trial decision to maintain the patent is fixed and binding in a suit rescinding a trial decision, a designated time limit for a patentee to request correction when initiating the proceedings of a patent invalidation trial which is re-pending before the JPO (Patent Act Article 134-3) shall be a very short time limit, such as about 10 days.

(3) A standard designated time limit for a response not directly related to substantial allegations and evidence

A. A time limit for responding to a notice of confirmation of consent for confirming a consent of a right holder with an amendment to change the gist of reasons for request made by a demandant of an invalidation trial (Patent Act Article 131-2(2)(ii), Enforcement Regulations of the Patent Act Article 47-4(1), Utility Model Act Article 38-2(2), Enforcement Regulations of the Utility Model Act Article 23(12), Design Act Article 52, the Enforcement Regulations of the Design Act Article 19(8)) shall be 10 days.

B. A designated time limit of expressing a statement of the party concerned, etc. about a request for intervention (Patent Act Article 149(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)) shall be 15 days.

C. A time limit for responding to an order of amendment in case of a violation of formality requirements (Patent Act Article 133(1)(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)) shall be 10 to 20 days.

However, among violation of formality requirements, a time limit for responding to a violation of description requirements in regards to reasons for request for a trial for invalidation (Patent Act Article 131(2), Utility Model Act Article 38(2), Design Act Article 52), and in regards to the gist

of request and reasons therefor for a trial for correction (Patent Act Article 134-2(9) → Article 131(3)) shall be 30 days.

D. A time limit of filing a written explanation to a notice of reasons for dismissal (Patent Act Article 133-2(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)) shall be 20 days.

E. Regarding a designated time limit for succession responding to an order of succession of procedures for trials/appeals, etc. (Patent Act Article 23(1), Utility Model Act Article 2-5(2), Design Act Article 68(2), Trademark Act Article 77(2)), and a procedure time limit regulated under other enforcement regulations (Enforcement Regulations of the Patent Act the proviso of Article 50(3), Article 50-8(1), the proviso of Article 58-2(1), Article 58-17(3), Article 60(1), etc., Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark Act Article 22(8)), they shall be designated in consideration of each condition, but not uniformly determined the standard designated time limit.

(4) A standard designated time limit for those resides remote areas or areas with transportation difficulties.

For a party concerned or an intervener who resides remote areas or areas with transportation difficulties (→ 25-01 annex table), a time limit shall be added for 15 days to a standard designated time limit.

2. Standard Designated Time Limit for Overseas Residents

A standard designated time limit for overseas residents indicates below, whereas a standard designated time limit for domestic residents is described in the above 1.

(1) To add 30 days to a time limit on an initial statutory response for a right holder

(2) To add 20 days to a time limit from a second response for a right holder

- (3) To add 30 days to a designated time limit on a request for correction of a right holder against an advance notice of trial decision
- (4) To add 20 days to a time limit for filing a refutation of a demandant of a trial for invalidation and a demandant of a trial for rescission of trademark registration
- (5) To add 20 days to a time limit for responding to a notice of results of ex officio proceedings
- (6) To add 10 days to a time limit for replying an inquiry
- (7) There is no difference for the procedures already prepared by a right holder
- (8) A time limit for response on procedures not directly related to allegations and evidence makes basically no difference, but adds 10 days for a statement of opinions to a request for intervention and for a response to an inappropriate power of attorney.

3. Designation of Time Limit Different from Standard Designated Time Limit

(1) Designation of a time limit shorter than the standard designated time limit

For the following cases, a chief administrative judge may designate a time limit shorter than the standard designated time limit stated in the above, considering the individual circumstance (applies to all laws, but the designated time limit may be extended after the designation by ex officio or by request of a person undertaking procedures).

A concept of designating a time limit particularly shorter than the standard designated time limit for a specific case applies the same way to domestic residents and overseas residents.

A. When a person undertaking procedures agrees to a time limit shorter than the standard designated time limit for procedural documents.

B. When a party concerned is deemed to be able to handle in a time limit shorter than the standard designated time limit in view of the details and nature of a case.

C. When a time limit on submission of allegations and evidence is designated in the situation where the case is considerably ripened and it is unlikely that a party concerned prepares a new allegations and evidence.

D. When a particularly prompt proceedings are required

E. In an infringement lawsuit between parties of the trial, when it is deemed that the parties concerned are possible to prepare in a short time limit because allegations and evidence over the defense of patent invalidity based on the grounds for invalidation alleged in the trial have already been done.

F. In an invalidation trial of which examination is resumed due to a final and binding court decision rescinding the trial decision to invalidate the patent or design and to rescind the trademark registration, when an opportunity of submission of a written refutation is given to a demandant of invalidation trial.

(2) Designation of time limit longer than the standard designated time limit

If most of working days are spoiled due to holidays of Government agencies such as year-end and New Year holidays, or Golden Week holidays in the middle of the response time limit when applied the standard designated time limit, a chief administrative judge may designate a response time limit extended to the standard designated time limit for a time limit corresponding to the number of spoiled days (When holidays of Government agencies fall into the end of the time limit, not in the middle, the time limit is rather extended substantially and therefore an extension is not made).

4. Extension by request or ex officio of the time limit which has already been designated (→ 25-04).

(Revised February 2015)

25—01.3 P U D T

List of Important Time Limits (2)

(Trial for Invalidation, Trial for Correction, Trial for Rescission)

(Patents (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 attached to a trial for correction	Patent Act Article 17-5(2)	Time of demanding a trial for correction	Before arriving a notice of conclusion of trial proceedings (In case of reopen the proceedings, before arriving a notice of conclusion of trial proceedings after reopening)		

Request for correction after the decision to reverse the trial decision becomes final and conclusive	Patent Act Article 134-3 (2003) Article 134-3(1)	Fixed date of the decision	1 week	1 week	
Request for retrial	Patent Act Article 173(1)	Date that the reasons for retrial has been known after the decision is becomes final and conclusive	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	
Action against the trial decision	Patent Act Article 178(3)	Date of service of a transcript of a trial decision	30 days (15-day additional time frame) *	30 days (90-day additional time frame)	
【 Designated time limit, etc.】					

Filing a request for correction	Patent Act Articles 134-2	Patent Act Article 134(1)	Date of dispatch of an invitation to reply (An invitation to reply after the second time or more by re-applying 134(1) is same as 134(2))	60 days or 75 days* Utility Model: 30 days or 45 days*	90 days Utility Model: 60 days	
		Article 164-2(2)	Date of service of a transcript of a trial decision	60 days or 75 days*	90 days	
		Articles 134(2) 153(2)	Date of dispatch of an invitation to reply Date of dispatch of a notice of reasons for invalidation	30 days or 45 days*	50 days	

Filing a request for correction at the commencement of the re-pending proceedings due to rescission of the trial decision		Article 134-3 (2003) Article 134-3(1) (2)	Date of dispatch of a notice of designated time limit for a request for correction	10 days or 25 days*	10 days	
Amendment for specification, claims, drawings attached to the request for correction	Patent Act Articles 17-5(2)	Patent Act Articles 134(1) 164-2(2)	<ul style="list-style-type: none"> • Date of dispatch of an invitation to reply (An invitation to reply after the second time or more by re-applying 134(1) is same as 134(2)) • Date of service of a transcript of the 	60 days or 75 days*	90 days	

			advance notice of trial decision			
		Patent Act Articles 134(2) 153(2) 134-2(5)	<ul style="list-style-type: none"> • Date of dispatch of an invitation to reply • Date of dispatch of a notice of reasons for invalidation • Date of dispatch of a notice of reasons for refusal of correction 	30 days or 45 days*	50 days	
Amendment for specification, claims, drawings attached to the request for correction	Patent Act Article 17-4(1)	Patent Act Article 134-3	Date of dispatch of a notice of designation time limit for a request for correction	10 days or 25 days*	10 days	

		(2003) Article 134-3(1) (2)				
Filing a first statutory reply	Patent Act Articles 134(1).174(3)		Date of dispatch of an invitation to reply	60 days or 75 days* Utility Model: 30 days or 45 days*	90 days Utility Model: 60 days	
Filing a statutory reply after the second time when an amendment changing the gist of reasons for request is approved and decided	Patent Act Article 134(2)		Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	
Filing a written reply under Enforcement	Enforcement Regulations of the Patent Act Article 47-2(1)		Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	

Regulations of the Act	Enforcement Regulations of the Patent Act Article 50-16				
Filing a reply by re-applying the regulations of an opportunity of a first statutory reply	Patent Act Article 134(1)	Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	
Filing a written refutation	Enforcement Regulations of the Patent Act Article 47-3(1) Enforcement Regulations of the Patent Act Article 50-16	Date of dispatch of an invitation for refutation	30 days or 45 days*	50 days	

Filing a written opinion (statement of opinion)	Patent Act Articles 153(2), 134-2(5), 165	Date of dispatch of a notice of reasons for invalidation Date of dispatch of a notice of reasons for refusal for correction	30 days or 45 days*	50 days	
	Patent Act Articles 150(5), 174(3)(4)	Date of dispatch of results of ex officio examination of evidence or ex officio preservation of evidence	30 days or 45 days*	50 days	
Filing a statement of a request for intervention	Patent Act Articles 149(2), 174(3)	Date of dispatch of a notice of service of a duplicate of a request for intervention	15 days or 30 days*	25 days	

Filing a written reply to an inquiry	Patent Act Articles 134(4) 174(3)(4)	Date of dispatch of an inquiry	About 15 days or 30 days*	About 25 days	
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Order for formalities amendment	Patent Act Articles	Date of dispatch of an order			
	133(1)(2)				
	174(3)(4)	a. Insufficient payment of fees	10 days or 25 days*	10 days	
		b. Insufficient Power of Attorney (2 or more principals or agents)	10 days or 25 days* (20 days or 35 days*)	20 days 30 days	
		c. Violation of description requirements of reasons for a request for trial, the gist of and reasons for a request for correction	30 days or 45 days* 20 days or 35 days*	30 days	
		d. Other formality violation		20 days	

Written explanation	Patent Act Articles 18-2(2), 133-2(2), 174(3)(4)	Date of dispatch of a notice of reasons for dismissal	20 days	20 days	
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Filing a written reply for consent	Patent Act Articles 131-2(2), Enforcement Regulations of the Patent Act Article 47-4(1)	Date of dispatch of a notice of confirmation of consent	10 days or 25 days*	10 days	
Time limit of resumption by order	Patent Act Article 23(1)	Date of dispatch of an order of resumption	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Other procedures regulated in Enforcement Regulations of the Act	Enforcement Regulations of the proviso to the Patent Act Article 50(3), Enforcement Regulations of the Patent Act Article 50-8(1), the proviso to Article 58-2(1),	Date of dispatch of a notice, etc.	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	

	58-17(3), 60(1), etc.				
Filing a receipt of registered mail, etc.	Patent Act Articles 134(4), 174(3)(4)	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

(Design, Trademark (Trial for invalidation, Trial for Rescission))

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】					
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 decision becomes final and conclusive	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	
Proceedings against the trial decision	Design Act Article 59, Trademark Act Articles 63, 68-5,	Date of service of a transcript of a trial decision, etc.	30 days (15-day additional time frame) *	30 days (90-day additional time frame)	

	Supplementary Provisions of the Trademark Act Article 22(2)				
【 Designated time limit, etc.】					
Filing a first statutory reply	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Date of dispatch of an invitation to reply	40 days or 55 days*	70 days	
Filing a statutory reply after the second time when an amendment	Design Act Article 52	Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	

changing the gist of reasons for a request of correction is approved and decided					
Filing a written reply under Enforcement Regulations of the Acts	Enforcement Regulations of the Design Act Article 19(8) Enforcement Regulations of the Trademark Act Article 22(6)	Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	
Filing a reply by re-applying the regulations of an opportunity for a first statutory reply	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary	Date of dispatch of an invitation to reply	30 days or 45 days*	50 days	

	Provisions of the Trademark Act Articles 17(1), 20				
Filing a written refutation	Enforcement Regulations of the Design Act Article 19(8) Enforcement Regulations of the Trademark Act Article 22(6)	Date of dispatch of an invitation for refutation	30 days or 45 days*	50 days	
Filing a written opinion (statement of opinion)	Design Act Article 52, Trademark Act Articles 56(1), 68(4), Supplementary Provisions of the Trademark Act Article 17(1)	<ul style="list-style-type: none"> • Date of dispatch of a notice of reasons for invalidation • Date of dispatch of a notice of results of 	30 days or 45 days*	50 days	

		proceedings by ex officio			
	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Date of dispatch of results of examination of evidence or preservation of evidence	30 days or 45 days*	50 days	
Filing a statement of a request for intervention	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the	Date of dispatch of a notice of service of a duplicate of a request for intervention	15 days or 30 days*	25 days	

	Trademark Act Articles 17(1), 20				
Filing a written reply to an inquiry	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Provisions of the Trademark Act Articles 17(1), 20	Date of dispatch of an inquiry	About 15 days or 30 days*	About 25 days	
Order for formalities amendment	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Date of dispatch of an order a. Insufficient payment of fees b. Insufficient Power of Attorney (2 or more principals or agents)	10 days or 25 days* 10 days or 25 days* (20 days or 35 days*) 20 days or 35 days*	10 days 20 days 30 days 20 days	

		c. Other formality violation			
	Design Act Article 52	<ul style="list-style-type: none"> • Date of dispatch of an invitation • Violation of description requirements of reasons for request 	30 days or 45 days*	30 days	
Filing a written reply for consent	Design Act Article 52, Enforcement Regulations of the Design Act Article 19(6)	Date of dispatch of a notice of confirmation of consent	10 days or 25 days*	10 days	

Written explanation	Design Act Articles 52, 58(4), Trademark Act Article 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Article 17(1), 20	Date of dispatch of a notice of reasons for dismissal	20 days	20 days	
Time limit of resumption by order	Design Act Article 68(2), Trademark Act Article 77(2), Supplementary Provisions of the Trademark Act Article 27(2)	Date of dispatch of an order of resumption	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	

Other procedures regulated in Enforcement Regulations of the Acts	Enforcement Regulations of the Design Act Article 19, Enforcement regulations of the Trademark Act Article 22(8)	Date of dispatch of a notice, etc.	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Filing a receipt of registered mail, etc.	Design Act Article 52, 58(2)(3), Trademark Act Articles 43-15(1), 56(1), 62(1)(2), 68(4), Supplementary Provisions of the Trademark Act Articles 17(1), 27(2), 23	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.

(Revised March 2025)

25—01.4 P

Designated Time Limit: Opposition to Grant of Patent

For an opposition to grant of patent, a time limit designated by a chief administrative judge based on the provisions of laws and ministerial ordinances (designated time limit) is determined as the standard designated time limit shown below.

The same applies to a retrial for a final and binding decision of an opposition to grant of patent.

1. Standard Designated Time Limit

(1) A time limit for filing a written opinion of a patentee against a notice of reasons for revocation (including an advance notice of decision) (Patent Act Article 120-5(1)) shall be 60 days for a domestic resident and 90 days for an overseas resident.

(2) A time limit for filing a written opinion of a patent opponent against a request for correction of a patentee (Patent Act Article 120-5(5)) shall be 30 days for a domestic resident and 50 days for an overseas resident.

(3) A time limit for filing a written opinion of a patentee against a notice of reasons for refusal of correction (Patent Act Article 120-5(6)) shall be 30 days for a domestic resident and 50 days for an overseas resident.

(4) A time limit for persons taking procedures or their agents who are in a remote areas or areas with transportation difficulties (→25-01 Annex table) shall be added 15 days to the above each time limit (1)~(3) for a domestic resident.

(5) A time limit for filing a written reply against an inquiry (Patent Act Article 120-8(1) → Patent Act Article 134(4)) shall be about 15 days for a domestic resident and about 25 days for an overseas resident.

(6) A time limit for expressing an opinion of a party concerned, etc. to a request for intervention (Patent Act Article 119(2)→Patent Act Article 149(2)), a time limit for responding to an order of amendment in case of violation of formality requirements (Patent Act Article 120-8(1)→Patent Act Article 133(1)(2)), a time limit for filing a written explanation against a notice of reasons for dismissal (Patent Act Articles 18-2(2), 120-8(1)→Patent Act Article 133-2 (2)), and a designated time limit for resumption of procedures(Patent Act Article 23(1) (→25-01.2 1. (3) B~D).

2. Extension by request or ex officio of the time limit which has been already designated (→25-04)

(Revised March 2025)

25—01.5 P
List of Important Time Limits (3)
(Opposition to Grant of Patent)

(Opposition to Grant of Patent)

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】					
Filing an opposition to grant of patent	Patent Act Article 113(1)	Issue date of the patent publication	6 months	6 months	
Request for retrial	Patent Act Article 173(1)	Date known the reasons for retrial after the decision of	30 days (15-day extension by ex officio) *	30 days (60-day extension by ex officio)	

			revocation becomes final and conclusive			
Proceedings against the trial decision of revocation	Patent Act Article 178(3)		Date of service of a transcript of a trial decision of revocation	30 days (15-day additional time frame) *	30 days (90-day additional time frame)	
【 Designated time limit, etc.】						
Filing a request for correction	Patent Act Article 120-5 (2)	Patent Act Articles 120- 5(1), 174(1)	Date of dispatch of a notice of reasons for revocation	60 days or 75 days*	90 days	

Amendment for specification, claims, drawings attached to the request for correction	Patent Act Article 17-5(1)	Patent Act Articles 120-5(1), 174(1)	Date of dispatch of a notice of reasons for revocation	60 days or 75 days*	90 days	
		Patent Act Articles 120-5(6), 174(1)	Date of dispatch of a notice of reasons for refusal of correction	30 days or 45 days*	50 days	
Filing a written opinion (statement of opinion)	Patent Act Articles 120-5(1), 174(1)		Date of dispatch of a notice of reasons for revocation	60 days or 75 days*	90 days	
	Patent Act Articles 120-5(6), 174(1)		Date of dispatch of a notice of reasons for refusal for correction	30 days or 45 days*	50 days	

	Patent Act Articles 120, 150(5), 174(1)	Date of dispatch of results of ex officio examination of evidence or ex officio preservation of evidence	30 days or 45 days*	50 days	
Filing a written opinion by an opponent on a request for correction	Patent Act Articles 120-5(5), 174(1)	Date of dispatch of document with reasons for revocation	30 days or 45 days*	50 days	
Filing a written opinion on a request for intervention	Patent Act Articles 119(2), 149(2), 174(1)	Date of dispatch of a notice of service of a duplicate of a request for intervention	15 days or 30 days*	25 days	
Filing a written reply on an inquiry	Patent Act Articles 120-8(1), 134(4), 174(1)	Date of dispatch of an inquiry	About 15 days or 30 days*	About 25 days	

Order for formality amendment	Patent Act Articles 120-5(9), 120-8(1), 133(1)(2), 174(1)	Date of dispatch of an order			
		a. Insufficient payment of fees	10 days or 25 days*	10 days	
		b. Insufficient Power of Attorney	10 days or 25 days*	20 days	
		(2 or more principals or agents)	20 days or 35 days*	30 days	
		c. Violation of description requirements of reasons for a request for trial, the gist of and reasons for a request for correction	30 days or 45 days*	30 days	
		d. Other formality violation	20 days or 35 days*	20 days	

Written explanation	Patent Act Articles 18-2(2), 120-8(1), 133-2(2), 174(1)	Date of dispatch of a notice of reasons for dismissal	20 days	20 days	
Time limit of succession by order	Patent Act Article 23(1)	Date of dispatch of an order of succession	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Other procedures regulated in Enforcement Regulations of the Patent Act	Enforcement Regulations of the proviso to Patent Act Article 50(3), Article 50-8(1), the proviso to Article 58-2(1), Enforcement Regulations of the Patent Act Articles 58-17, 60(1) , etc.	Date of dispatch of a notice, etc.	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Filing a receipt of registered mail, etc.	Patent Act Articles 120-8(1) 174(1)	Date of dispatch of a notice of request	10 days	10 days	

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

(Revised March 2025)

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)

25—03 P U D T**Designation of Time Limit When a Duplicate of
a Written Reply, etc. Is Served**

When a chief administrative judge accepts a written reply or a request for correction (hereinafter referred to as “a written reply, etc.”) from a demandee in response to service of a duplicate of a written demand, the chief administrative judge shall serve the duplicate of the accepted written reply, etc. to a demandant (Patent Act Article 134(3), Utility Model Act Article 39(3), Design Act Article 52, Trademark Act Articles 56(1), 68(4)).

The chief administrative judge takes the following procedures for service of a duplicate of the accepted written reply, request for correction or written refutation to a counterparty, to give an opportunity to state an opinion.

1. When an opportunity to state an opinion is given by designating a time limit, a notice of dispatch a duplicate of a written reply shall be prepared including such a time limit, and a duplicate of a written reply, etc. shall be served to a demandant.
2. When there is no need to designate a time limit, a notice of dispatch a duplicate of a written reply shall be prepared and a duplicate of a written reply, etc. shall be served to a demandant.
3. The same as 1 or 2 in the above shall apply to service (dispatch) of a duplicate of a written refutation to a demandee upon receiving the refutation from a demandant.

(Note) A time limit is designated for an inter partes trial to promote and facilitate the proceedings of a trial, and a party concerned may submit

documents such as a written reply, etc. until a notice of conclusion of the trial proceedings is issued under the Patent Act Article 156 (1965 (Gyo-Ke) 5, Judgment of the Tokyo High Court, Sep 3, 1974). Therefore, even the documents which are submitted after the designated time limit has passed may be subject of the proceedings.

(Revised December 2023)

25—04 PUDT

Extension of the Time Limit for Submission and Change of the Date of Submission

1. Extension of the Time Limit for Submission in General

The Commissioner of the Patent Office or a chief administrative judge may, upon request or ex officio, extend a statutory period and a designated time limit.

A request for extension of the time limit should be made before expiration of the original statutory period or designated time limit. If an expiration date falls on a holiday, the request for extension may be made on the following day.

2. Extension of a Statutory Period for Submission

(1) When persons undertaking procedures or their representatives reside in remote areas or areas with transportation difficulties (see the attached table 25-01), the Commissioner of the Patent Office or a chief administrative judge may extend a statutory period ex officio for the following period.

A. A period for filing a demand for retrial (Patent Act Article 173(1), Design Act Article 58(1), Trademark Act Articles 61, 68(5)) 15 days

B. A period for filing a new application after dismissal of amendment in trial and appeal (Design Act Article 50(1), Trademark Act Article 55-2(1)) 15 days

An extension of the period for filing an appeal against examiner's decision of refusal (Patent Act Article 121(1), Design Act Article 46(1), Trademark Act Article 44(1)) or an appeal against examiner's decision to dismiss amendment (Design Act Article 47(1), Trademark Act Article 45(1)) will not be granted ex officio, however there are provisions for relief after expiration of the period for reasons not attributable to the appellant (Patent Act Article 121(2), Design Act Article 46(2), Design Act Article 47(2)→Article 46(2), Trademark Act Article 44(2), Trademark Act Article 45(2)→Article 44(2))). The period

for filing a new application after dismissal of amendment in examination (Design Act Article 17-3(1), Trademark Act Article 17-2(1)) may not be extended, but it may be extended in appeal (Design Act Article 50(1), Trademark Act Article 55-2(3)) (Design Act Article 17-4(2), Trademark Act Article 17-2(2)).

(2) When persons undertaking procedures are overseas residents, the statutory period may be extended for the following periods.

A. A period for filing an appeal against examiner's decision of refusal for a patent application (Patent Act Article 121(1))(except the period for filing an appeal against examiner's decision of refusal for an application for registration of an extension of the term) 1 month

B. A period for filing a retrial (Patent Act Article 173(1), Design Act Article 58(1), Trademark Act Articles 61, 68(5)) 60 days

C. A period for filing a new application after dismissal of amendment in trial/appeal (Design Act Article 50(1), Trademark Act Article 55-2(3)) 60 days

D. A period for filing an amendment to change of the gist for an opposition to registration of trademark (Trademark Act the proviso to Article 43-4(2)) 60 days

An extension of the period for filing an appeal against examiner's decision of refusal for a design application and a trademark application (Design Act Article 46(1), Trademark Act Article 44(1)) and an appeal against examiner's decision to dismiss amendment for a design application and a trademark application (Design Act Article 47(1), Trademark Act Article 45(1)) will not be granted ex officio, however there are provisions for relief after expiration of the period for reasons not attributable to the appellant (Patent Act Article 121(2), design Act Article 46(2), Design Act Article 47(2) → Article 46(2), Trademark Act Article 44(2), Trademark Act Article 45(2) → Article 44(2)). The period for filing a new application after dismissal of amendment in examination (Design Act Article 17-3(1), Trademark Act Article 17-2(1)) may not be extended, but it may be extended in appeal (Design Act Article 50(1), Trademark Act Article 55-2(3)) (Design Act Article 17-4(2), Trademark Act Article 17-2(2)).

3. Extension of a Designated Time Limit for Submission

The Commissioner of the Patent Office or a chief administrative judge may, upon request or ex officio, extend a designated time limit (Patent Act Article 5(1), Utility Model Act Article 2-5(1), Design Act Article 68(1), Trademark Act Article 77(1)).

(1) Extension of a designated time limit upon request by persons undertaking procedures

A. Extension of the time limit upon request in general (except for the following items B and C)

The extension of the time limit by request may only be approved for the time limit designated for the purpose of enabling overseas residents to file certified experimental results or models/samples, etc. through a written opinion (excluding those specified in the Patent Act Article 48-7) or an inquiry. In addition, if it is deemed that there are grounds not attributable to persons undertaking procedures or their representatives in specific procedures (see 25-01-I-1.(1) and (2)), the necessary extensions of time may be approved regardless of whether domestic or overseas residents (see 25-01-I-1.(5)).

B. Trial for invalidation, trial for correction, trial for rescission of trademark registration and opposition to grant of patent

In principle, no extension of the designated time limit in an invalidation trial, a trial for correction, a trial for rescission of trademark registration and an opposition to grant of patent will be approved upon request of persons undertaking procedures, but it is possible to extend the designated time limit if any of the following requirement (A) or (B) is satisfied. It is not necessary to extend the time limit exactly as requested as long as the time limit to be extended will be generally an additional 20 days on top of the standard time limit.

(A) After the designated time limit has passed, a request for extension of a designated time limit shall be such that it is prohibited by law to undertake procedures concerning important allegations or evidence.

Specifically, a request for the extension of the time limit shall be approved only for the designated time limit only within which "a request for correction" (Patent Act Articles 134-2(1), 120-5(2)) and "amendment of the corrected description, etc. attached to a written request for correction" (Patent Act Article 17-5(1)&(2)) may be approved,

namely; the time limit for the submission of a written reply, in trial for invalidation under the Patent Act and the old Utility Model Act, designated by law; the designated time limit for a request for correction to the Advance Notice of a Trial Decision; the time limit for responding to an office action for notice of reasons for invalidation; the time limit for responding to an office action for notice of reasons for revocation in the process of opposition to grant of patent; the time limit for responding to an office action for notice of reasons for rejecting a request for correction in the process of a request for correction; and the designated time limit for requesting for correction in the process of the second action pendency.

(B) Persons undertaking procedures have paid the specified fees (Patent Act Article 195(1)(i), Utility Model Act Article 54(1)(i), Design Act Article 67(1)(iii), Trademark Act Article 76(1)(ii)) and submitted a written request for extension of the period (Enforcement Regulations under the Patent Act Article 4-2(2) (Form 3), Enforcement Regulations under the Utility Model Act 23(1), Enforcement Regulations under the Design Act Article 19(1), Enforcement Regulations under the Trademark Act Article 22(1)) sufficiently before the expiration of the designated time limit as well as the persons have stated the following matters in the column "contents of the request" of the said written request.

a. Rational and specific reasons for requesting an extension of the time limit (reasons that are not attributable to persons undertaking procedures or their representatives, or reasons that can be objectively examined)

b. Identifying the extension period to request

c. Specific reasons why the extension period to request is reasonable

C. Appeal against examiner's decision of refusal

In principle, no extension of the designated time limit for responding a notice of reasons for refusal and an inquiry in appeal proceedings will not be granted upon request, but it is possible to extend the designated time limit in the following cases (A) and (B).

(A) Patent applications

An extension of the designated time limit is granted if any of the following requirement a. or b. is satisfied.

a. Obtaining experimental data for comparison with cited inventions described in a notice of reasons for refusal, etc.

b. Translation of trial and appeal procedural documents

The maximum extension period per request is one month. Domestic residents may submit a request once for the item a. Overseas residents may submit a request up to three times for the item b, but may submit only once for the item a.

Persons undertaking procedures should submit a request for extension of time sufficiently before the designated time limit has passed (before the extended designated time limit has passed if overseas residents file a second or subsequent request).

(B) Design and trademark applications

The maximum extension period is one month only for overseas residents.

D. Cases subject to accelerated appeal examinations

If a request for extension of period of response is filed for a patent case that has been selected as the case subject to an accelerated appeal examination, the case will not be handled as a subject to an accelerated appeal examination but be handled as a normal case.

(2) Extension of a designated time limit ex officio

Trial for invalidation, trial for correction and trial for rescission of trademark registration, and opposition to grant of patent

In principle, no ex officio extension of the designated time limit ex officio in an invalidation trial, a trial for correction, a trial for rescission of trademark registration and an opposition to grant of patent will be granted, but it is possible to extend the designated time limit ex officio in any of the following case (A) or (B) as long as the case satisfies the specified requirements.

(A) In a case where a designated time limit is shorter than the standard designated time limit

If the following a. or b. is both satisfied, the extension of a designated time limit is granted up to the standard designated time limit after extension.

a. A petition with rational and specific reasons why the standard designated time limit is required has been submitted sufficiently before the designated time limit has passed.

b. Considering the submitted petition, etc., it is deemed to have been appropriate to determine the designated time limit equivalent to the standard designated time limit.

(B) In a case where a long period is required for response due to the amount and nature of the evidence, etc.

When the following requirements items a. to c. are satisfied, an extension of a designated time limit is possible with additional 30 days to the standard designated time limit roughly as a maximum (However, regarding a trial for rescission of trademark registration, if a demandee is an overseas resident and there are rational reasons to require a reasonable time period compared to a domestic resident, such as contact with domestic licensee, etc., collect evidence disclosing a relationship between the said licensee and the demandee (right holder), etc., an extension of a designated time limit for submission of the first statutory reply is possible with additional 50 days to the standard designated time limit roughly as a maximum.).

a. In a case of "collection of self-presented evidence," both the necessity of submitting a certification of experimental results and other evidence in a designated time limit and the need for an appreciable period of time to collect evidence are recognized. In a case of "analysis of evidence presented by the other parties or an opponent of patent opposition," it necessarily requires a long period of time to analyze and prepare evidence because the amount of the evidence submitted by the other parties or the opponent is enormous (hundreds of pages), or the nature of the evidence is highly complex.

b. Regarding an extension of the time limit for response (an opportunity of refutation, etc.) requested by the demandant of a trial for invalidation in a case of "collection of self-presented evidence", it is not intended to provide the evidence that violate restrictions on amendment of grounds for the demand for trial.

c. Persons undertaking procedures have submitted a petition including the following items sufficiently before a designated time limit has passed.

- Rational and specific reasons that the extension period is necessary
- Identifying the required extension period

- Specific reasons that the required extension period is rational

(3) Extension upon request and by discretion will not be granted in duplicate, and only the expiry date is later will be granted.

(4) Procedures before the JPO and the administrative work at the JPO for extension of a designated time limit

A. A written request for extension of time limit in the above item (1) B. and a petition for the purpose of the above item (2). will be addressed to the "chief administrative judge of the JPO," and submitted to the JPO either by mail or in person sufficiently before the designated time limit has passed.

B. When a petition or a written request for extension of time limit is submitted, a trial clerk immediately provides a chief administrative judge with the petition or written request to ask for a decision on whether to extend the time limit.

C. When extension of time limit is granted, a person undertaking procedures will be notified to that effect and will manage the time limit based on the time limit after extension. In addition, if there is no relation between the extension of said time limit and extension of time limit for requesting correction of the specification, etc., it is possible to contact by phone, e-mail, etc. even if the extension of the time limit is granted.

D. Where extension of time limit is not granted, a trial clerk notifies a person undertaking procedures that the extension of the time limit for response is not granted after making a phone call to that effect.

4. Additional Time Limit

A chief administrative judge may ex officio determine an additional period to the indefinite period for actions against trial decisions, etc. for persons in remote areas or areas with transportation difficulties (Patent Act Article 178(5), Utility Model Act Article 47(2), Design Act Article 59(2), Trademark Act Articles 63(2) and 68(5)) (→For persons in areas listed in Appendix of 25-1, an additional period is 15 days, and for overseas resident, 90 days). The additional period will be integrated into the original time limit in the same manner as specified for the extended time limit.

5. Change of Date

A chief administrative judge may, upon request or ex officio, change a date where the date was designated by the chief administrative judge in accordance with the provisions of the Patent Act (Patent Act Article 5(2), Utility Model Act Article 2-5(1), Design Act Article 68(1), Trademark Act Article 77(1)).

For a request to change the date, the reason why the change of the date is needed should be clarified (Enforcement Regulations under the Patent Act Article 4-2(3), Enforcement Regulations under the Utility Model Act Article 23(1), Enforcement Regulations under the Design Act Article 19(1), Enforcement Regulations under the Trademark Act Article 22(1)).

A request to change the date should not be permitted in the following cases (1) or (2), unless there are unavoidable reasons (Enforcement Regulations under the Patent Act Article 4-2(4), Enforcement Regulations under the Utility Model Act Article 23(1), Enforcement Regulations under the Design Act Article 19(1), Enforcement Regulations under the Trademark Act Article 22(1)).

(1) Where multiple representatives have been appointed on either side of the party concerned and some of the representatives have reasons to change.

(2) Where the same date is designated as a date for another case after the date has been designated.

6. Extension Based on the Act on Special Measures Concerning Preservation of Rights and Interests of Victims of Specified Disasters

By prescribing various special measures concerning administrative extensions, etc. of expiration dates of rights and interests by the Cabinet Order, the Act on Special Measures concerning Preservation of Rights and Interests of Victims of Specified Disasters enables to issue these measures in a prompt manner at the time of disasters and is applied to large-scale extraordinary disasters (specified extraordinary disasters).

When the Pacific coast of Tohoku Earthquake of 2011 (Heisei 23) was designated as a specified extraordinary disaster, the measures were taken to extend a statutory period and a designated time limit for applicants who were not able to follow the necessary

procedures before the JPO within the original time limit due to the particularly severe damages.

A request for extension of a designated time limit was accepted as a valid procedure if an applicant filed the request with documents explaining the situations where the applicant was not able to follow the necessary procedures within the original time limit, and followed the procedures promptly as soon as it became possible.

Measures were taken to extend a statutory period so that the expiration date of a procedural time limit would be extended as late as March 31, 2012 (H24).

Procedures for trials and appeals that were subject to the extension are as follows.

(1) A request for an appeal against examiner's decision of refusal

(Patent Act Article 121(1), Design Act Article 46(1), Trademark Act Articles 44(1), 68(4), Supplementary Provisions of the Trademark Act Article 13)

(2) A demand for a trial for correction

(Patent Act Article 126(2))

(3) A request for correction

(Patent Act Article 134-3)

(4) A demand for a retrial against a final and binding decision

(Patent Act Articles 171(1), 172(1), Utility Model Act Articles 42(1), 43(1), Design Act Articles 53(1), 54(1), Trademark Act Articles 57(1), 58(1), 68(5), Supplementary Provisions of the Trademark Act Article 18)

(5) A request for an appeal against examiner's decision to dismiss amendment

(Design Act Article 47(1), Trademark Act Articles 45(1), 68(4))

(6) An amendment of an opposition to registration of trademark

(Trademark Act Articles 43-4(2), 68(4))

If a large-scale disaster occurs and is designated as a specified extraordinary disaster in the future, it is understood that similar measures will be taken.

(Revised March 2025)