

Pilot project between the IP5 Offices on collaborative search and examination under the PCT – Acceptance of international applications filed in Japanese –

I. Introduction

1. On 31 May 2018, the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO) (now called the National Intellectual Property Administration of the People's Republic of China (CNIPA)) and the United States Patent and Trademark Office (USPTO), referred to as the IP5 Offices, announced the operational launch of the third pilot project on collaborative search and examination (“CS&E”) under the PCT (hereinafter “the pilot project”). As specified in that notice, initially only international applications filed in English were accepted into the pilot project.

2. As of 1 March 2019, the JPO acting as competent International Searching Authority under Rule 35 PCT (also referred to as “the main International Searching Authority” within the framework of the pilot project) will also accept into this pilot project international applications filed in Japanese from 1 April 2019.

3. For international applications filed in Japanese, the notice concerning the Pilot project between the IP5 Offices on collaborative search and examination under the PCT¹ will apply supplemented by the present notice.

¹ https://www.jpo.go.jp/seido/s_tokkyo/pdf/pct_kyoudouchousa_shikou/notice_base_en.pdf

II. Framework – International applications filed in Japanese

4. For international applications filed in Japanese, requests for participation in the pilot may be filed as from 1 April 2019.

5. Where the international application is filed in Japanese and the main International Searching Authority (JPO) determined that the applicable participation requirements assessable upon receipt of the search copy are met, the application will be provisionally accepted into the pilot and the applicant will be given one month from the date of notification of the provisional acceptance to submit an English translation of his application. English will be the working language used between the main International Searching Authority and the peer International Searching Authorities. It is in the applicant's interest to submit a high quality translation since a bad quality of the translation may lead to objections of lack of clarity from the peer examiners.

6. If an English translation of the application is not filed within the prescribed time limit, the main International Searching Authority (JPO) will notify the applicant that the application will not be subjected to collaborative search and examination under the pilot. In this case, the main International Searching Authority (JPO) will not transmit provisional work products to the peer International Searching Authorities. It will simply transmit the international search report (Form PCT/ISA/210) (or, where appropriate, declaration of non-establishment of international search report (Form PCT/ISA/203)) and written opinion (Form PCT/ISA/237) in the language of filing of the application (Japanese) to the applicant and the International Bureau.

7. Following the timely provision of an English translation of the application by the applicant, the main International Searching Authority (JPO) will, in addition to the provisional work products, transmit the English translation of the international application to the peer International Searching Authorities.

8. The main International Searching Authority (JPO) will prepare the final international search report (Form PCT/ISA/210) (or, where appropriate, declaration of non-establishment of international search report (Form PCT/ISA/203)) and written opinion (Form PCT/ISA/237).

III. Requirements for participation – International applications filed in Japanese

9. For the sake of clarity, all the requirements to be met by applicants wishing to participate in the pilot project with an international application filed in Japanese are indicated below, even if this entails the repetition of certain requirements contained in the notice concerning the Pilot project between the IP5 Offices on collaborative search and examination under the PCT.

– Requirements to be met by applicants

The following requirements must be met by applicants wishing to participate in the pilot project with an international application filed in Japanese:

- (a) The request for participation in the pilot must have been submitted on the standard participation form and filed together with the international application.
- (b) The participation form and the international application must have been filed at the JPO.
- (c) Where the participation form and the international application are filed with the JPO, they must have been filed in electronic form using the following filing tools: The Internet Application Software.
- (d) The participation form and the international application must have been filed in Japanese.
- (e) Where an international application filed in Japanese has been provisionally accepted into the pilot, an English translation of the application must have been submitted within one month from the date of notification of the provisional acceptance.