

(iii)

Japan does not have a system for granting accelerated examination based solely on the fact that a patent application concerns COVID-19-related technology.

However, the JPO provides services such as accelerated examination and super-accelerated examination when the following requirements are met, regardless of whether or not a patent application concerns COVID-19-related technology.

Accelerated Examination

(a) Qualifying grounds for expediting examination

A patent application that meets the following requirements (1) to (4) is eligible for accelerated examination:

(1) A request for examination has been filed.

(2) Any of the following 1) to 6) applies.

1) Working-related applications

Applications filed by an applicant or a licensee who has already commercialized the invention or plans to commercialize the invention within two years from the filing date of a request for accelerated examination.

2) Internationally filed applications

a) Applications filed with both the JPO and at least one foreign IP Office

b) Applications filed with an IP Office as receiving Office under the PCT and then entered into the national phase in Japan

c) Applications filed with the JPO as domestic applications and later with a receiving Office under the PCT

3) Applications filed by SMEs, individuals, universities, public research institutes, etc.

Applicants of an invention, in whole or in part, may be SMEs, individuals, universities or public research institutes, approved TLOs, or authorized TLOs.

4) Green technology-related applications

Applications involving "green inventions" (inventions that have an energy-saving effect and contribute to CO₂ reduction).

5) Applications related to providing support for recovery from earthquake disasters

Applications that fall under the following condition (a) or (b):

a) Applications by all or some persons who have an address or temporary residence in specific affected areas, and applications by persons affected by the earthquake

b) The applicant is an incorporated entity, the incorporated entity's business establishment in specific affected areas suffers damage from the earthquake and related disasters, and the applicant intends to file an application for an invention created or worked as part of the operation of such establishment.

6) Applications related to the Asian Business Location Law

Applications related to technologies invented as a result of R&D activities accredited under the Asian Business Location Law.

(3) The application shall not be withdrawn pursuant to Article 42, paragraph (1) of the Patent Act.

(4) The representative shall be a patent attorney, an attorney-at-law or a legal representative.

(b) Internal institutional arrangements to facilitate expedited examinations

The Official Services Management Section conducts integrated term management while providing information to the Examination Department, where each staff manager is responsible for administering individual cases.

(c) Staffing and/or resource allocations

Allocates resources to the above-mentioned Official Services Management Section. No dedicated staff is assigned to the Examination Department.

(d) Goals behind expedited examination programs

Provides early notice of examination results for cases having a request by the applicant. (The average pendency for the First Action of examination is less than three months from the request for accelerated examination).

(e) Interplay between existing pendency and expedited examination goals

	Average pendency from request for examination to First Action	Average pendency from request for examination to establishment of right
Regular Application	10.1 months	15.2 months
Accelerated Examination	2.6 months	5.6 months

*Figures for FY2021

(f) Cooperation with other patent offices (if any)

N/A

(g) Any surcharges for expedited examination

No additional fee required

Super-Accelerated Examination

(a) Qualifying grounds for expediting examination

A patent application eligible for super-accelerated examination is the one for which examination has been requested and has not begun. Such an application must also meet both of the following requirements (1) and (2):

(1) A “working-related” and “internationally filed” application or a “working-related” application filed by startups (*1) (*2); and

(2) An application for which all filing procedures are performed online within four weeks before the date of request for super-accelerated examination.

(*1) Conditions for “working-related” and “internationally filed” applications are the same as those for ordinary accelerated examination.

(*2) For more information on conditions for applications “filed by startups”, please refer to the [“Guidelines for Super-Accelerated Examination” \(in Japanese\) \(PDF : 295KB\)](#).

(b) Internal institutional arrangements to facilitate expedited examinations

The Official Services Management Section conducts integrated term management while providing information to the Examination Department, where each staff manager is responsible for administering individual cases.

(c) Staffing and/or resource allocations

Allocates resources to the above-mentioned Official Services Management Section. No dedicated staff is assigned to the Examination Department.

(d) Goals behind expedited examination programs

Super-accelerated examination is conducted more quickly than ordinary accelerated examination so that users can establish rights early. (As a standard example, the average pendency for the First Action of examination for a regular national phase application is within one month from the request for super-accelerated examination.)

(e) Interplay between existing pendency and expedited examination goals

	Average pendency from request for examination to First Action	Average pendency from request for examination to establishment of right
Regular application	10.1 months	15.2 months
Super-Accelerated Examination	0.8 months	2.6 months

*Figures for FY2021

(f) Cooperation with other patent offices (if any)

N/A

(g) Any surcharges for expedited examination

No additional fee required.

PPH (Patent Prosecution Highway)

(a) Qualifying grounds for expediting examination

In principle, a patent application that meets the following requirements (1) to (5) is eligible for the PPH.

- (1) Both a JPO application for which the PPH is requested and a corresponding Office of First Filing (OFF) application has the same earliest priority date or filing date.
- (2) The corresponding OFF application has one or more claims that have been determined to be patentable/allowable by the OFF.
- (3) All claims of the JPO application sufficiently correspond to one or more of the claims of the OFF application that have been determined to be patentable/allowable by the OFF.
- (4) The JPO has not begun examination of the application at the time of PPH request.
- (5) A "Request for Substantive Examination" has been filed with the JPO at the time of or prior to PPH request.

(b) Internal institutional arrangements to facilitate expedited examinations

The Official Services Management Section conducts integrated term management in the Official Services Management Section while providing information to the Examination Department, where each staff manager is responsible for administering individual cases.

(c) Staffing and/or resource allocations

Allocates resources to the above-mentioned Official Services Management Section. No dedicated staff is assigned to the Examination Department.

(d) Goals behind expedited examination programs

The purpose of the PPH is to facilitate the applicant's early patenting overseas and to further the use of search and examination results between IP Offices to reduce examination workload and enhance examination quality.

(e) Interplay between existing pendency and expedited examination goals

Examination results can be obtained early compared to a regular application. Statistics are available at the following link:

<https://www.jpo.go.jp/e/toppage/pph-portal/statistics.html>

(f) Cooperation with other patent offices (if any)

Conducted in accordance with agreements between respective patent offices.

(g) Any surcharges for expedited examination

No additional fee required.

CSP (US-JP Collaborative Search Pilot Program)

(a) Qualifying grounds for expediting examination

A patent application filed with the JPO (hereinafter “JP application”) is eligible for the US-JP CSP if it has a corresponding application filed with the USPTO (hereinafter “US application”) and meets the requirements mandated by the JPO. In addition, the US application needs to satisfy the [requirements mandated by the USPTO \(external link\)](#). The JPO and the USPTO also accept unpublished applications into the US-JP CSP.

1. The JP application has a total of 20 or fewer claims including three or fewer independent claims.
2. The US application includes independent claims that substantially correspond to all independent claims of the JP application. A decision as to whether the two independent claims of the two applications substantially correspond to each other will be made on a case-by-case basis. When an independent claim of the JP application has the same scope as that of the US application, they are considered as substantially corresponding to each other.
3. The JP application is ready for examination and it has not begun. A copy of the corresponding claims of the US application must be submitted to the JPO if the US application is unpublished at the time of filing a request for the US-JP CSP.

If the JP application is not ready for examination, a person in charge will contact the applicant, or the applicant can check the status of their application via either of the following methods:

- (i) making an online viewing request with the JPO (paid service), or
- (ii) accessing J-PlatPat on the JPO website (for published applications only).

The applicant can also contact the Administrative Affairs Division of the Examination Policy Planning Office by telephone at 03-3581-1101 ext. 3103.

“Examination has not begun” means that none of the notices listed below issued either by the Commissioner or the JPO examiner has been received yet.

- Notice of Reasons for Refusal (Article 50 of the Patent Act)
- Certified copy of a Decision to Grant a Patent (Article 52 (2) of the Patent Act)
- Notice of non-compliance with obligation to disclose information on prior art documents in the description (Article 48-7 of the Patent Act)
- Order to hold consultations in the case of two identical inventions and same day filing (Article 39 (6) of the Patent Act)

4. The earliest priority date of the independent claims of the JP application is the same as that of the US application.
5. Both the JP and US applications have the earliest priority date or filing date of March 16, 2013 or later.
6. A request for examination has already been submitted at the time of request for the US-JP CSP (The request for examination can be made at the same time as the request for the

US-JP CSP).

7. One request for the US-JP CSP shall be filed for one application. However, a group of technically related applications can be filed with the JPO. In that case, the group of applications shall consist of five or fewer applications.
8. Collective Examination for IP Portfolio Supporting Business Strategy, Accelerated Examination, or Super-Accelerated Examination has not been requested. However, even if such a request has been made, an application will still qualify for the US-JP CSP if the request is withdrawn.

(b) Internal institutional arrangements to facilitate expedited examinations

N/A

(c) Staffing and/or resource allocations

Allocates resources to the Examination Policy Planning Office. No dedicated staff is assigned to the Examination Department.

(d) Goals behind expedited examination programs

The US-JP Collaborative Search Pilot Program is a joint effort between the USPTO and the JPO. The examiners of both Offices each examine an application filed with respective Offices to share search results and opinions, and expeditiously provide initial examination results to the applicant during the same time period.

(e) Interplay between existing pendency and expedited examination goals

N/A

(f) Cooperation with other patent offices (if any)

Conducted in cooperation with the USPTO.

(g) Any surcharges for expedited examination

No additional fee required.