

# GENERAL INFORMATION ON PATENT APPLICATIONS IN JAPAN

Japan is a member of the Paris Convention.

Any patent or utility model application claiming priority based on the basic application must be filed within 12 months from the filing date of the basic application.

However, non-priority application may be filed at anytime unless the invention is disclosed before filing of this application with the Japan Patent Office (JPO).

On or after December 1st, 1990, the electronic application system has been employed in the JPO, and all patent and utility model applications must be filed as a machine readable file through the online filing system.

## **Laying-open of Unexamined Patent Application:**

After one year and six months from the filing date of the basic application, all patent applications are laid-open for public inspection.

## **Filing of English-language Application:**

An application for patent may include a specification, drawing (if any) and abstract prepared in the English language (English documents), provided that the Petition for the patent application is prepared in the Japanese language. Such application is treated as a regular Japanese patent application and conferred a proper filing date.

However a Japanese translation of the English documents must be submitted within two months from the filing date. Otherwise, the application is deemed to be withdrawn.

## **Examination for Novelty:**

To desire a novelty search by the Examiner, it's necessary to file a request for examination within 3 years from the filing date of a patent application. If no request for examination is filed, the application will automatically lapse.

## **Duration of Patent Right:**

The duration of the patent right is 20 years from the date of filing a patent application in Japan. Extension for patent term is applicable for patents relating medicines and agricultural chemicals.

## **Filing Requirements:**

- (1) Full name address and nationality of the applicant(s) and inventor(s).
- (2) Specification, claims, abstract and drawings of the device in Japanese.
- (3) Basic application number, filing date and country (if priority is claimed).
- (4) Priority Certificate for the basic application and its translation in Japanese (if priority is claimed).
- (5) Power of Attorney but No legalization is required.
- (6) No Assignment is required generally unless when it's requested by the JPO.

## Schedule of charges for a Patent application : April 1st, 2018

Cost:	Official Fee (Yen: ¥)	Our Fee (Yen: ¥)
<b>Application Procedures (single claim):</b>		
-Preparing and filing Application	14,000	*150,000
-Filing English-language Application	22,000	170,000
-Submitting Translation		30,000
-Online filing Fee		8,000
-Preparing Drawings		disbursement
-Typing A4 size per page		5,000
-Claiming Priority and filing Priority Document		8,000
-Additional charge for each priority		6,000
-Translation from English to Japanese (per English word)		40
-Translation from Chinese to Japanese (per Japanese word)		20
<b>Procedure after filing:</b>		
-Requesting Substantive Examination		
(A) Basic claim and	*118,000	14,000
(B) Charge per claim	4,000	4,000
-Online filing Fee		4,000
<b>Examination procedure:</b>		
-Preparing and filing Argument		*90,000
-Preparing and filing Amendment		90,000
-Interview		65,000
-Online filing Fee		8,000
<b>Attending Appeal against Final Rejection:</b>	<b>*49,500</b>	<b>*270,000</b>
<b>Registration Procedure (single claim):</b>		
-Paying 1st to 3rd annuity (in lump sum)	*6,900	30,000
-Paying 4th to 6th annuity (each year)	*6,900	22,000
-Paying 7th to 9th annuity (each year)	*20,800	22,000
-Paying 10th to 20th annuity (each year)	*59,700	22,000
-Online filing Fee		4,000
<b>Remarks: * Additional claim fees are required.</b>		

# GENERAL INFORMATION ON UTILITY MODEL APPLICATIONS IN JAPAN

Recent rapid technical development has encouraged quick commercialization of new products and has shortened commercial life cycles of the products in various technical fields.

In order to deal with this problem, the JPO has introduced the revised Utility Model Law including a registration system without the substantive examination.

## **Subject:**

Subject matter of Utility Model must be device relating to the outer shape or construction of article or a combination of articles. So a utility model will not be granted on a subject matter which accompanied without the shape such as a process, a method, a substance and so on.

## **Duration of Utility Model Right:**

10 years from the filing date of utility model application.

Technical Evaluation Report of Utility Model Right (Search Report):

When the utility model right owner wishes to enforce his/her right he/she is requested to present to an accused infringer, with a Utility Model Right Technical Evaluation issued by JPO, so as to avoid abuse of the Utility Model Right.

## **Filing Requirements:**

- (1) Full name and address of the applicant(s) and inventor(s).
- (2) Specification, claims, drawings and abstract and in Japanese.
- (3) Basic application number, filing date and country (if priority is claimed).
- (4) Priority Certificate for the basic application and its translation in Japanese (if priority is claimed).
- (5) Power of Attorney but No legalization is required.
- (6) No Assignment is required generally unless when it's requested by the JPO.

### Schedule of charges for a Utility Model application: April 1st, 2018

Cost:	Official Fee (Yen: ¥)	Our Fee (Yen: ¥)
<b>Application Procedures (single claim):</b>		
-Preparing and filing Application	14,000	*120,000
-Online filing Fee		8,000
-Preparing Drawings		disbursement
-Typing A4 size per page		5,000
-Claiming Priority and filing Priority Document		8,000
-Additional charge for each priority		6,000
-Translation from English to Japanese (per English word)		40
-Translation from Chinese to Japanese (per Japanese word)		20
-Paying 1st to 3rd annuity (in lump sum)	*6,600	22,000
<b>Procedure after Filing:</b>		
-Amendment		90,000
-Online filing Fee		8,000
<b>Requesting Technical Evaluation Report:</b>	*43,000	18,000
<b>Registration Procedure (single claim):</b>		
-Paying 4th to 6th annuity (each year)	*6,400	22,000
-Paying 7th to 10th annuity (each year)	*19,000	22,000
-Online filing Fee		4,000
<b>Remarks: * Additional claim fees are required.</b>		

# GENERAL INFORMATION ON DESIGN APPLICATION IN JAPAN

## Filing Requirements:

- (1) Full name, address and nationality of an applicant(s) and a creator(s).
- (2) A name of the article.
- (3) Six (6) sets of photographs or drawings of the Design which comprises front, back, top, bottom, left and right. It may be added the explanatory drawing(s) such as perspective view, sectional view, operational view.
- (4) Basic application number, filing date and country (if priority is claimed).
- (5) Priority Certificate for the basic application and its translation in Japanese (if priority is claimed).
- (6) Power of Attorney but No legalization is required.
- (7) No Assignment is required generally unless when it's requested by the

## Schedule of charges for a Design application : April 1st, 2018

Cost:	Official Fee (Yen:¥)	Our Fee (Yen:¥)
<b>Application Procedures:</b>		
-Preparing and filing Application	16,000	95,000
-Preparing Drawings		disbursement
-Typing A4 size per page		3,800
-Claiming priority and Filing Priority Document		8,000
-Online filing Fee		8,000
<b>Examination Procedures:</b>		
-Preparing and filing Argument		90,000
-Preparing and filing Amendment		90,000
-Interview		65,000
-Online filing Fee		8,000
<b>Attending Appeal against Final Rejection:</b>	55,000	270,000
<b>Registration Procedure:</b>		
-Paying 1st to 3rd annuities (in lump sum)	25,500	30,000
-Paying 4th to 20th annuities (each year)	16,900	22,000
-Online Filing Fee		4,000

# GENERAL INFORMATION ON TRADEMARK APPLICATION IN JAPAN

The Japanese Trademark law has been partially revised on and after April 1st, 1997 to introduce the multi-class application system, the associated trademark system, the post-registration opposition system and so on. Therefore, plural classes of goods and/or services can be covered by a single application, and the three-dimensional trademark can be registered as well as the word mark or the form of a device.

Registration is valid for 10 years from the date of registration of trademark and thereafter renewable every 10 years.

## **Classification of Goods:**

International Classification of Goods and Services, issued by the World International Property Organization, has been adopted in Japan from April 1st, 1992 replacing the Japanese Classification of Goods.

Therefore, trademark applications and service mark applications must be filed by designating goods or services in accordance with the International Classification of Goods and Services as from April 1st 1992.

## **Filing Requirements:**

- (1) Full name, address and nationality of the applicant(s).
- (2) Trademark.
- (3) A specimen of the trade mark or service mark, not exceeding 8\*8cm (No Specimen is required when a word mark using standard letters such as block letter system in U.S.).
- (4) Class(s) of goods or service(s) to be covered by one application.
- (5) A list of the goods or services for which protection is sought.
- (6) Basic application number, filing date and country (if priority is claimed).
- (7) Priority Certificate for the basic application and its translation in Japanese (if priority is claimed).
- (8) Power of Attorney but No legalization is required.

## Schedule of charges for a Trademark application : April 1st, 2018

Cost:	Official Fee (Yen:¥)	Our Fee (Yen:¥)
<b>Application Procedures:</b>		
-Application for Registration in one Class	12,000	80,000
-*Each Additional Class in same Application	8,600	60,000
-Claiming Single Convention Priority		8,000
-Additional Charge for each Priority		6,000
-Preparation of Specimen		disbursement
-Online filing Fee		4,000
<b>Procedure after Filing:</b>		
-Preparing and filing Argument		60,000
-Preparing and filing Amendment		60,000
-Online filing Fee		4,000
<b>Attending Appeal against Final Rejection:</b>	55,000	270,000
<b>Registration Procedure:</b>		
-Paying 10 Year Registration Fee (in one class)	28,200	30,000
-*Each Additional Class in Same Application	28,200	20,000
-Online Processing Fee		4,000
<b>Renewal registration:</b>		
-Paying 10 Year Registration Fee (in one class)	38,800	60,000
-Online filing Fee		4,000
<b>Other Services:</b>		
-Search for each word mark or device mark		20,000
<b>Remarks: * : Multi-class filing system</b>		