Expedited Examination Programs of IP Offices

Japan

The Japan Patent Office (JPO) provides services for expediting examination of patent applications. Other than the available PPH programs, the JPO offers accelerated examination[1] and super accelerated examination[2]. The information corresponding to each of the programs is provided below. The JPO does not have a system for granting accelerated examination based solely on the fact that a patent application concerns COVID-19-related technology.

Accelerated Examination

Goals behind expedited the examination program: To provide an early notice of examination results when the accelerated examination has been requested by applicants.

Qualifying grounds for expediting examination: A patent application that meets requirements (1) to (4) is eligible for accelerated examination:

(1) a request for examination has been filed.

(2) any of the following applies:

a) 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.

b) internationally filed applications – (i) Applications filed with both the JPO and at least one foreign IP Office; (ii) Applications had been filed with a receiving Office under the PCT and then entered into the national phase in Japan; or (iii) Applications filed with the JPO as domestic applications and later with a receiving Office under the PCT.

c) 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 Technology Licensing Offices (TLOs), or authorized TLOs.

d) green technology-related applications – Applications involving "green inventions" (inventions that have an energy-saving effect and contribute to CO_2 reduction).

e) applications related to providing support for recovery from earthquake disasters – Applications that fall under conditions (i) or (ii) – (i) 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; (ii) Applications by an incorporated entity, where its 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.

f) applications related to the Act for promotion of Japan as an Asian Business Center: Applications related to technologies invented as a result of R&D activities accredited under that Act.

(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.

[1] See the JPO's website, available at: https://www.jpo.go.jp/e/system/patent/shinsa/jp-soki/index.html
[2] See the JPO's website, available at: https://www.jpo.go.jp/e/system/patent/shinsa/jp-super_soki/index.html

Internal institutional arrangements to facilitate expedited examinations: The Official Services Management Section of the JPO conducts integrated term management and provides information to the Examination Department, where each staff manager is responsible for administering individual cases.

Staffing and/or resource allocations: JPO allocates resources to the Official Services Management Section. No dedicated staff is assigned to the Examination Department.

Pendency for regular applications and applications under expedited examination (FY2024)

	Average pendency from request for examination to First Action	Average pendency from request for examination to establishment of right
Regular Application	9.1 months	13.0 months
Accelerated Examination	2.3 months	5.0 months

Fees: The accelerated examination program does not require the applicants to pay additional fees.

Super-Accelerated Examination[3]

Goals & Objectives: Super-accelerated examination is conducted in less time than ordinary accelerated examination so that users can establish rights earlier.

Qualifying grounds for expediting examination: A patent application is eligible for super-accelerated examination if examination has been requested but it has not begun. Such an application must also meet both of the following requirements:

(i) a "working-related" and "internationally filed" application or a "working-related" application filed by startups;[4]

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

Applicants must respond to office actions within one month.

Internal institutional arrangements to facilitate expedited examinations: The Official Services Management Section of the JPO conducts integrated term management and provides information to the Examination Department, where each staff manager is responsible for administering individual cases.

Staffing and/or resource allocations: JPO allocates resources to the Official Services Management Section. No dedicated staff is assigned to the Examination Department.

Pendency for regular applications and applications under super-expedited examination (FY2024)

	Average pendency from request for examination to First Action	Average pendency from request for examination to establishment of right
Regular application	9.1 months	13.0months
Super-Accelerated Examination	0.9 month	2.5 months

[3] Guidelines for the Super Accelerated Examination program are available on the JPO's website at: https://www.jpo.go.jp/system/laws/rule/guideline/patent/document/index/supersoukisinsa.pdf (Japanese)
[4] Conditions for "working-related" and "internationally filed" applications in super accelerated examination are the same as the "working-related" and "internationally filed" referred to in the section above on standard accelerated examination.

The super accelerated examination program does not require the applicants to pay additional fees.

Statistics

