



Notification regarding Extension of Time Limit for Response to Office Action

Seiwa Patent & Law
IP Information Section
(April 15, 2016)

The Japan Patent Office (JPO) announced that it will relax the requirements for a patent applicant to obtain an extension of the time limit for responding to a Notice of Reasons for Rejection issued in the examination of a patent application, in line with the next revision to the Japan Patent Law, which was promulgated in 2015 and came into effect on April 1, 2016.

(A) Previous practice (prior to April 1, 2016; see Attachment 1(a))

(a1) Extension request before or on the normal due date

A foreign applicant was able to extend the due date for responding to a Notice of Reasons for Rejection (three months from the mailing date of the Office Action) by request in monthly increments, for a maximum of three months, while a domestic applicant can extend the due date (60 days from the mailing date of the Office Action) by request for only one month. In either case, a request was allowed only when there was a plausible reason that the applicant was unable to respond to the Office Action by the normal due date.

(a2) Extension request after the normal due date

Extension request after the normal due date was not allowed for any reason.

(B) New practice (since April 1, 2016; see Attachment 1(b))

(b1) Extension request before or on the normal due date

A foreign applicant can extend the due date for responding to a Notice of Reasons for Rejection by filing a first request for a two-month extension and then filing a second request for an additional one-month extension, the maximum extension being three months in total, while a domestic applicant can extend the due date by filing a single request for a two-month extension. In either case, no reason is necessary for obtaining such an extension.

(b2) Extension request after the normal due date

If no response (amendment and/or argument) is filed to an Office Action and no extension is requested by the normal due date, the applicant (either foreign or domestic) can retroactively request a two-month extension, by filing a request within two months from the normal due date.

(C) Effective date

The new practice applies to any Notice of Reasons for Rejection of which the normal due date (three months from the mailing date for a foreign applicant, and 60 days from the mailing date for a domestic applicant) falls on or after April 1, 2016, and for which the applicant files an extension request on or after April 1, 2016.

(D) Extension request fee (see Attachment 1(b))

The official fee for requesting extension of a due date depends on various conditions, but can be summarized as follows.

(d1) Extension request before or on the normal due date

For a first two month extension: JPY 2,100

For an additional one month extension: JPY 2,100

(d2) Extension request after the normal due date

For a two month extension: JPY 51,000

In either case, we will also charge an Attorney's fee of 12,000 for each extension.

(E) Others

This change in practice regarding extension of the due date for response only applies to Notice of Reasons for Rejection issued in the examination stage. With regard to other types of Office Actions, such as Decisions of Final Rejection issued in the examination stage (see Attachment 2(a)) or Notices of Reasons for Rejection issued in the pretrial examination or appeal trial stage (see Attachment 2(b)), no change has been made before and after April 1, 2016, in the practice for extending the due date.

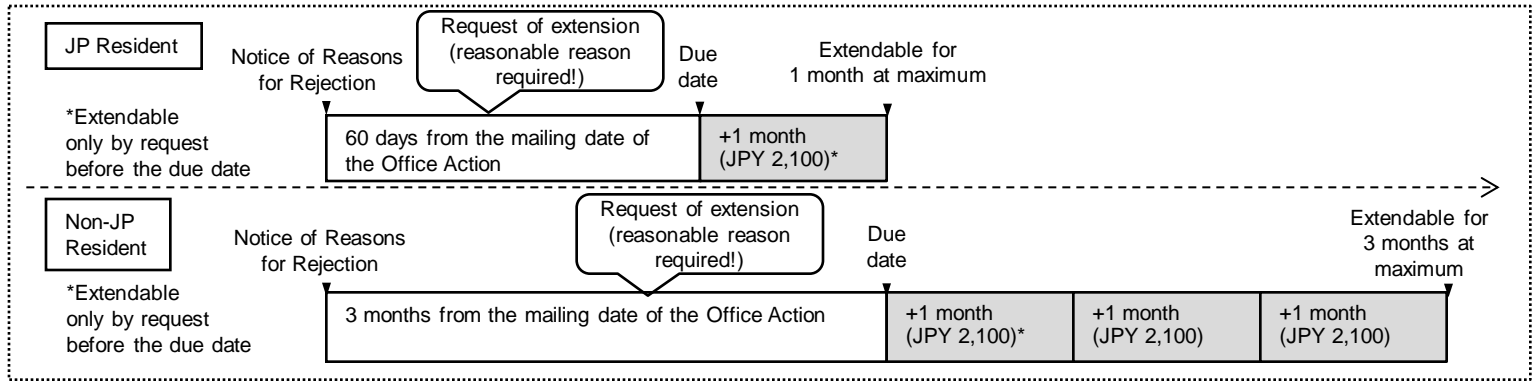
END

Attachment 1

Due date for responding to a Notice of Reasons for Rejection issued before the demand of an appeal trial

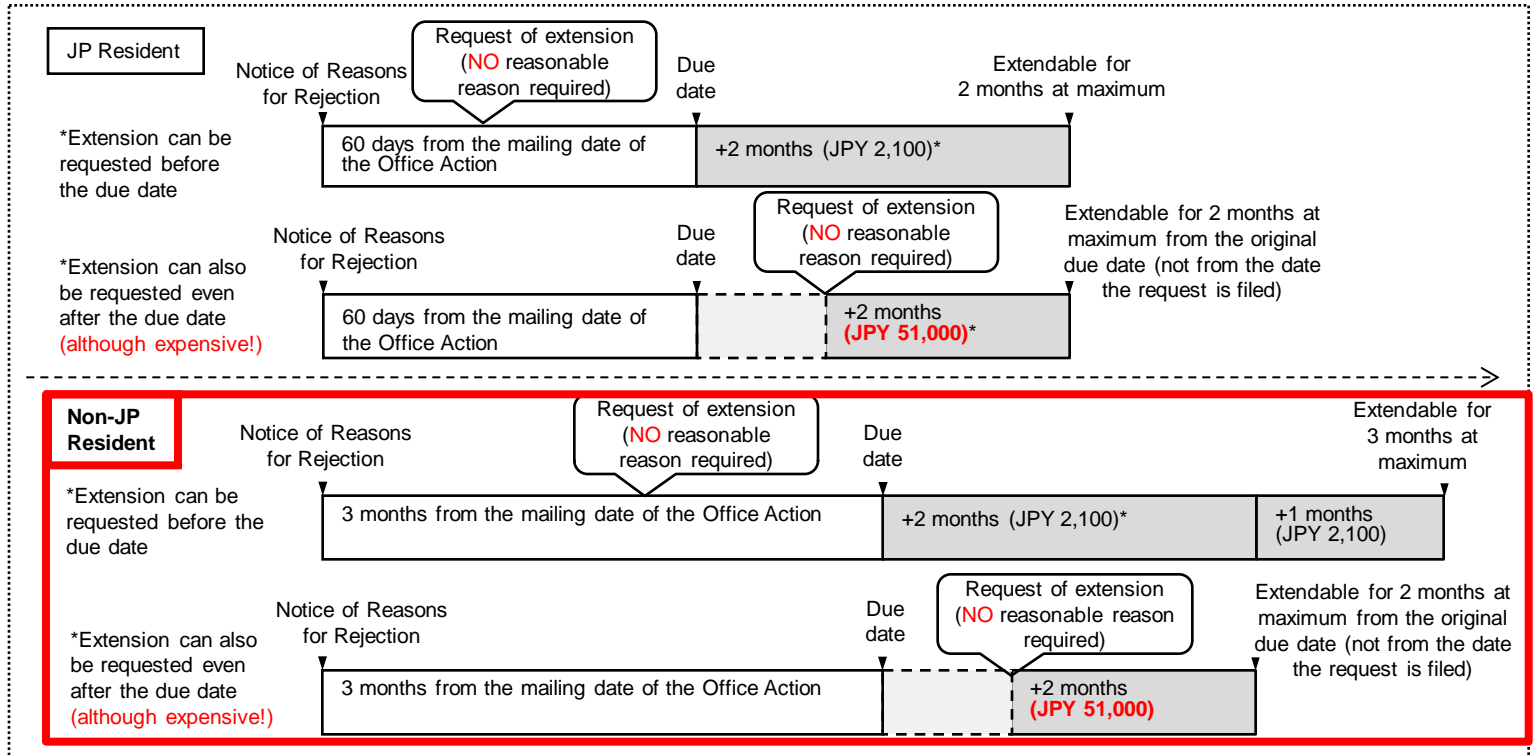
(a)

For Notices of Reasons for Rejection of which the normal due date falls on or before March 31st, 2016



(b)

For Notices of Reasons for Rejection of which the normal due date falls on or after April 1st, 2016

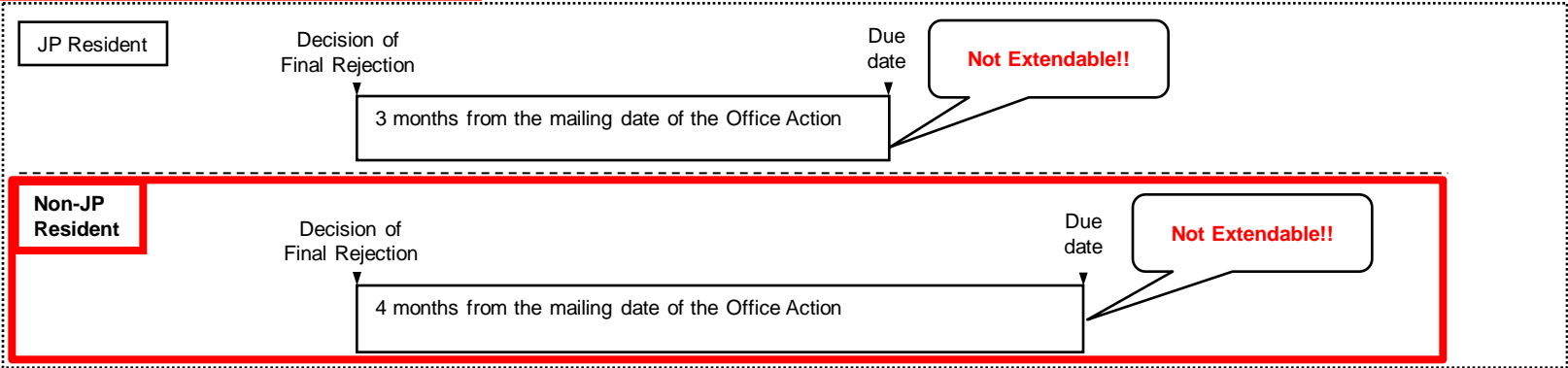


Attachment 2

(a)

Due date for responding to a Decision of Final Rejection

No change before and after April 1st, 2016!



(b)

Due date for responding to a Notice of Reasons for Rejection issued after the demand of an appeal trial (including pretrial examination stage)

No change before and after April 1st, 2016!

