

# The Most Important and Basic Differences of JP Patent Practice



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## Claims

1. Multiple dependent claims may depend from other multiple dependent claims.  
⇒ Change dependencies for wider protection.
2. A “program” can be claimed.  
⇒ Convert medium claims to program claims.  
  
∴ Selling programs through the Internet:  
directly infringes program claims, but  
does NOT directly infringe software medium claims



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## Specification

1. Disclosing Prior Art  
Not all references are required.  
Two or three references are enough.
2. Incorporation by Reference  
Not Allowed.
3. English Application is accepted,  
if it is followed by Japanese translation.



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## Examination

1. Request for Examination  
3 years from Japanese or international filing date.  
Official Fee: 168,600 + 4000/Claim  
No difference between multi-dependent and independent claims.
2. Period for First OA  
Typically 2 years from the request for examination.
3. Accelerating the Examination  
First OA is issued within 2 to 3 months.  
Fee: 50,000 yen (\$500)\* If Search Report, OA or IDS is Available



\* If \$1 = 100 yen

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## Response to Office Action

1. **Occasions are limited.**  
Just Once... if reasons for rejection are not overcome.  
No further response can be made unless the case is appealed.  
See “Patent Procedures after Request for Examination”  
Be more careful in responding to OAs.
2. **Scope of amendment is limited.**  
See “Amendment Requirements in Japan”



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## Inventive Step

Stricter than US or EP.

Effect or Result of the invention is determined.

See “Differences of Arguments Against US Obviousness and JP Easiness Official Actions”

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## The first OA of a divisional application becomes final if:

1. The parent application received an OA before the examination was requested for the divisional application, and
2. The OA of the parent application was not cured in the divisional.

Review the parent OA when requesting examination for the divisional.

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