

**Restoration is available  
for unintentional lapse  
from April 1, 2023**



**May 2, 2023**

**Aki Ryuka**

# Restoration is available for unintentional lapse

Restorations used to require a “legitimate reason” and evidence.

Now, “unintentional” is sufficient, and no evidence is required.

(If the original due date is on/after April 1, 2023)

# Procedures Subject to the Restoration

- ◆ PCT national entry and translation (P, U)
- ◆ Paris priority (P, D, U, T)
- ◆ Examination request (P)
- ◆ Annuity/renewal after the six-month grace period:  
(P, D, U, T)

P: Patents    D: Designs    U: Utility Models    T: Trademarks

# The time limit for restoration

## Priority Restoration:

- 14 months from the priority for Paris route applications,
- 1 month from the translation due date for PCT route.

If the translation of the application was not filed in time, **the restoration of the translation filing must be separately requested.**

## Other Restorations:

Earlier of:

- 2 months from the date the restoration action could be taken
- 1 year (6 months for trademarks) from original due date

# Office fee for restoration (JPY)

Patents	212,100
Trademarks	86,400
Designs	24,500
Utility Models	21,800

# Limitation of restored rights

If patents/trademarks are restored from failure of annuity payment/renewal within the six-month grace period:

- Patent rights are ineffective to the products imported into or, produced or acquired in Japan after the six-month grace period and before the restoration.

Unlike in the US (35USC41(c)(2)), those who worked the patented invention cannot continue the work except for the above products.

- Trademark rights are ineffective against the use of the trademark after the six-month grace period and before the restoration.