

The JPO offers an emergency relief program that defers payment of an examination fee so as to ease a financial strain of applicants under a recent recession. This program took effect as of April 1, 2009 and the JPO plans to keep this program for two years.

More specifically, under this program, payment of an examination fee is deferred for one year from the date of filing a request for examination. If the examination fee is not yet paid after the one year has passed, the JPO issues a Notice to pay the examination fee. We believe the Notice would set a response period of 30 days that may be extendable for foreigners. If the applicant pays the examination fee within the response period, the patent application enters into a substantive examination stage. Otherwise, the patent application is deemed to be withdrawn. In the case where the period for requesting an examination still remains, the request for examination without payment is dismissed and the applicant can file another request for examination within the period for requesting the examination (note that such situation is mostly unlikely to occur). In a substantive examination stage, patent applications are examined in the order based on the FILING date of the request for examination, not on the payment date.

If you have a Japanese patent application (including a PCT national phase application in Japan) having the due date of requesting an examination in 2010 and the first half of 2011, it is worth your while to consider using the payment deferment program. Although the JPO originally intended to ease a financial strain of applicants, this program is also useful for deferring your final decision whether you pursue the Japanese patent application. As described above, since the examination is initiated in the order of the filing date of the request for examination, there is no disadvantage by deferring the payment.

This program is not available for a patent application in which the applicant would like to use an accelerated examination.