

The refund system of the examination fee in the JPO has been applicable since August 2007.

Specifically, a half of the paid examination fee will be refunded, if a request for refund is filed within six months after expressly abandoning a patent application AND prior to the first action (substantially, Notice of Reasons for Rejections or Notice of Allowance) is issued. As a practical manner, the request for refund should be filed together with expressly abandoning the patent application so as to avoid the issuance of the first action before the request for refund is filed.

Since paid examination fee for Paris conventional application is at least 168,600 JPY, at least 84,300 JPY will be refunded. When the application includes a large number of claims, the amount of the refund would be larger. For example, in the case of the Paris conventional application including 50 claims, 184,300 JPY (approximately, 2,000 USD or 1,400 EUR) will be refunded. Therefore, the applicant (especially, individual or small entity) would enjoy a financial benefit by the refund.

According to our experience, in the case where a foreign country client decides to abandon a patent application, they mostly instruct us to take no action and allow the application go abandoned (of course, we every time advise them to use the refund system). It clearly misses the benefit of the refund. Please keep in mind about the refund system and instruct your Japanese associate to use refund system in such event.