

PROCEDURE GUIDELINES FOR PATENT PROSECUTION HIGHWAY (PPH)

Procedures to file a PPH request
under the Patent Prosecution Highway Pilot Program
between
the Indian Patent Office (IPO) and the Japan Patent Office (JPO)

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Notes

In these guidelines, the Office of Later Examination (OLE) with which applicants file a PPH request and the Office of Early Examination (OEE) which determines patentability of claims of an application before the OLE are as follows:

	Office of Later Examination (OLE)	Office of Early Examination (OEE)
PPH request to the IPO	IPO	JPO
PPH request to the JPO	JPO	IPO

Introduction

The Indian Patent Office (IPO) and the Japan Patent Office (JPO) commence a Bilateral Patent Prosecution Highway pilot program (hereinafter referred to as “PPH Pilot Program”) consisting of Normal PPH¹ and PPH MOTTAINAI² based on the Joint Statement of Intent (JSol) annexed with these procedure guidelines as Annex2.

These guidelines address the procedures that applicants need to follow while requesting for expedited examination under the PPH pilot program.

¹ <https://www.jpo.go.jp/e/toppage/pph-portal/aboutpph.html>

² <https://www.jpo.go.jp/e/toppage/pph-portal/mottainai.html>

Chapter 1. General conditions of IPO-JPO PPH

These procedure guidelines address the procedures that applicants need to take to request expedited examination through the Patent Prosecution Highway (PPH) pilot program between the Indian Patent Office (IPO) and the Japan Patent Office (JPO). The guidelines cover the scope of the Normal PPH and the PPH-MOTTAINAI.

Applicants can request expedited examination by a prescribed procedure including submission of relevant documents on an application which is filed with the Office of Later Examination (OLE) and satisfies the requirements described in these guidelines under the PPH pilot program between IPO and JPO based on the application which is determined to be patentable by the Office of Earlier Examination (OEE).

When filing a request for the PPH pilot program, an applicant must submit information in the prescribed Form presented in Chapter 5 of these guidelines, to the OLE.

The PPH pilot program between IPO and JPO will commence on November 21, 2019 for a period of three (3) years. The Offices will start accepting PPH requests on December 5, 2019. The number of the requests for the PPH in each Office will be respectively limited to 100 cases per year. The Office notifies the other Office via email as soon as the number of PPH requests reaches 100 cases and the same may be notified on the official websites of the offices. The IPO will limit the number of requests for the PPH made by same applicant per year from time to time. When the need arises, the Offices will consult on the number of requests per applicant.

An applicant who has filed a patent application, either alone or jointly with any other applicant, shall not file more than 10 PPH requests to IPO per year and this number will be reviewed after March 31, 2020.

The offices may terminate the PPH pilot program early in accordance with the terms of Joint Statement of Intent (JSol) (Annex2) and the same may be notified on the official website of the offices.

Chapter 2. Requirements

2-1. Common requirements

(a) Both the OLE application on which PPH is requested and the OEE application(s) forming the basis of the PPH request shall have the same earliest date (whether this is a priority date or a filing date).

For example, the OLE application (including PCT national phase application) may be either:

(Case I) an application which validly claims priority under the Paris Convention from the OEE application(s) (examples are provided in Annex1, Figures A, B, C, H, I and J), or

(Case II) an application which provides the basis of a valid priority claim under the Paris Convention for the OEE application(s) (including PCT national phase application(s)) (examples are provided in Annex1, Figures D and E), or

(Case III) an application which shares a common priority document with the OEE application(s) (including PCT national phase application(s)) (examples are provided in Annex1, Figures L, M and N), or

(Case IV) a PCT national phase application where both the IPO application and the JPO application(s) are derived from a common PCT international application having no priority claim (an example is provided in Annex1, Figure K).

(b) Patent applications initiated in the Office of the IPO or the JPO

Patent applications belong to a patent family of which at least the earliest application was filed with the IPO or the JPO acting as a national office or, under the PCT, acting as a Receiving Office (RO) (see Figures F and G in Annex1).

(c) At least one corresponding application exists in the OEE and has one or more claims that are determined to be patentable/allowable by the OEE.

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the OEE application which forms the basis of the priority claim (e.g., a divisional application of the OEE application or an application which claims domestic priority to the OEE application (see Figure C in Annex)), or an OEE national phase application of a PCT application (see Figures K, M and N in Annex1).

Claims are “determined to be allowable/patentable” when the OEE examiner

clearly identified the claims to be allowable/patentable in the latest office action, even if the application is not granted for patent yet. A claim determined as novel, inventive and industrially applicable by the OEE has the meaning of allowable/patentable for the purposes of this pilot program.

The office action(s) of IPO includes:

- i. Examination reports
- ii. Grant of Patent without hearing
- iii. Controller's decision to Grant a Patent after hearing
- iv. Controller's decision on Review Petition
- v. Controller's decision on direction of Appellate Authority

The office action(s) of JPO includes:

- i. Decision to Grant a Patent
- ii. Notification of Reasons for Refusal (only when patentable / allowable claims are specified)
- iii. Decision of Refusal (only when patentable / allowable claims are specified)
- iv. Appeal Decision

For example, if the following routine expression is described in the "Notification of Reason for Refusal" and "Decision of Refusal" of the JPO, those claims are clearly identified to be patentable/ allowable:

"<Claims which has been found no reason for refusal>

At present for invention concerning Claim__, no reason for refusal is found."

(d) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as allowable/patentable in the OEE.

Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the OLE are of the same or similar scope as the claims in the OEE, or the claims in the OLE are narrower in scope than the claims in the OEE. In this regard, a claim that is narrower in scope occurs when an OEE claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the OLE which introduces a new/different category of claims to those claims indicated as allowable in the OEE is not considered to sufficiently

correspond.

For example, where the OEE claims only contain claims to a process of manufacturing a product, then the claims in the OLE are not considered to sufficiently correspond if the OLE claims introduce product claims that are dependent on the corresponding process claims.

Any claims amended or added after the grant of the request for participation in the PPH pilot program need not sufficiently correspond to the claims indicated as allowable in the OEE application.

(e) Substantive examination of the OLE application for which participation in the PPH is requested has not begun (see Figure O in Annex1).

Substantive examination is considered to have begun when the Examiners accept its designation in JPO or the application is allotted for examination to an Examiner in IPO.



2-2. Requirements for the PPH request to the IPO

In addition to the common requirements under 2-1(a)-(e) above, the following conditions must be met in requesting PPH to the IPO.

(f) Under this PPH Pilot Program, the IPO will receive Patent applications only in the technical fields of Electrical, Electronics, Computer Science, Information Technology, Physics, Civil, Mechanical, Textiles, Automobiles and Metallurgy.

In order to meet this requirement, it is considered as being of these technical fields the patent applications whose main classification (first classification), according to the International Patent Classification (IPC), is one of the IPCs listed below, including their respective lower classification hierarchical levels.

However, during search and examination, in exceptional cases, if IPO is of the opinion that the invention lies substantially in any other technical fields not mentioned above, the application shall not be allowed to proceed under PPH and will be treated as a non-PPH application. IPO shall issue a reasoned order regarding the same and the decision of IPO shall be final.

	Technical Field	IPC Codes
1	Electrical	B03C, B23K, B60L, B60M, B60Q, B64D, B66B, F21K, F21L, F21S, F21V, G05B, G05D, G05F, G05G, H01B, H01C, H01F, H01G, H01H, H01J, H01K, H01L, H01M, H01P, H01Q, H01R, H01S, H01T, H02B, H02G, H02H, H02J, H02K, H02M, H02N, H02P, H02S
2	Electronics	G04G, G04R, G07D, G07G, G09B, G09C, G09D, G09F, G09G, G10H, G10K, G10L, G11B, G11C, G12B, H03B, H03C, H03D, H03F, H03G, H03H, H03J, H03K, H03L, H03M
3	Computer Science	G06C, G06D, G06E, G06F, G06G, G06J, G06K, G06M, G06N, G06Q, G06T, G11B, G11C
4	Information Technology	G08B, G08C, G08G, G10L, H04B, H04H, H04J, H04K, H04L, H04M, H04N, H04Q, H04R, H04S, H04W
5	Physics	G01B, G01C, G01D, G01F, G01G, G01H, G01J, G01K, G01L, G01M, G01N, G01P, G01R, G01S, G01T, G01V, G01W, G02B, G02C, G02F, G03B, G03C, G03D, G03F, G03G, G03H, G04F, G09F, G10B, G10C, G10D, G10F, G10G, G10K, G12B, G21B, G21C, G21D, G21F, G21G, G21H, G21J, G21K, H05B, H05C, H05F, H05G, H05H, H05K

6	Civil	B28B, B28C, B28D, E01B, E01C, E01D, E01F, E01H, E02B, E02C, E02D, E02F, E03B, E03C, E03D, E03F, E04B, E04C, E04D, E04F, E04G, E04H, E21B, E21C, E21D, E21F
7	Mechanical	A01L, A21B, A21C, A22B, A23N, A24B, A24C, A43D, A44B, A44C, A46D, A47B, A47C, A47D, A47F, A47G, A47H, A47J, A47K, A47L, A61B, A62B, A62C, A63B, A63C, A63D, A63F, A63G, A63H, A63J, A63K, B01B, B01L, B02B, B02C, B04B, B04C, B05B, B05C, B05D, B06B, B07B, B08B, B21B, B21C, B21D, B21C, B21D, B21F, B21G, B21H, B21J, B21K, B21L, B23B, B23C, B23D, B23F, B23G, B23H, B23P, B23Q, B24B, B24C, B24D, B25B, B25C, B25D, B25F, B25G, B25H, B25J, B26B, B26D, B26F, B27B, B27C, B27D, B27F, B27G, B27H, B27J, B27L, B27M, B27N, B29D, B29L, B30B, B31B, B31C, B31D, B31F, B32B, B33Y, B41B, B41C, B41D, B41F, B41G, B41J, B41K, B41L, B41M, B41N, B44B, B44C, B60B, B60C, B60D, B60F, B60G, B60H, B60J, B60K, B60N, B60P, B60R, B60S, B60T, B60V, B60W, B61B, B61C, B61D, B61F, B61G, B61H, B61J, B61K, B61L, B62B, B62C, B62D, B62H, B62J, B62K, B62L, B62M, B63B, B63C, B63G, B63H, B63J, B64B, B64C, B64D, B64F, B64G, B65B, B65C, B65D, B65F, B65G, B65H, B66C, B66D, B66F, B67B, B67C, B66D, B67D, B68B, B68C, B68F, B68F, B68G, C12L, C13B5/00-5/08, C13B15/00-15/02, C13B25/00-25/06, C13B45/00-45/02, E05B, E05C, E05D, E05F, E05G, E06B, E06C, F01B, F01C, F01D, F01K, F01L, F01M, F01N, F01P, F02B, F02C, F02D, F02F, F02G, F02K, F02M, F02N, F02P, F03B, F03C, F03D, F03G, F03H, F04B, F04C, F04D, F04F, F16B, F16C, F16D, F16F, F16G, F16H, F16J, F16K, F16L, F16M, F16N, F16P, F16S, F16T, F17B, F17C, F17D, F21H, F22B, F22D, F22G, F23B, F23C, F23D, F23G, F23H, F23J, F23K, F23L, F23M, F23N, F23Q, F23R, F24B, F24C, F24D, F24F, F24H, F24S, F24T, F24V, F25B, F25C, F25D, F25J, F27B, F27D, F28B, F28C, F28D, F28F, F28G, F41A, F41B, F41C, F41F, F41G, F41H, F41J, F42B, F42C, F42D, G04B, G04C, G04D, G07B, G07C, G07D, G07F, G16B, G16C, G16H, G16Z, B01D61/00-71/82, H02S20/00, H02S20/32, H02S40/44
8	Textiles	A41B, A41C, A41D, A41F, A41H, A41G, A42B, A42C, A43B, A43C, D01B, D01C, D01D, D01F, D01G, D01H, D02G, D02H, D02J, D03C, D03D, D03J, D04B, D04C, D04D, D04G, D04H, D05B, D05C, D06B, D06C, D06F, D06G, D06H, D06J, D06L, D06M, D06N, D06P, D06Q, D07B, D21B, D21C, D21D, D21F, D21G, D21H, D21J
9	Automobiles	B60B, B60C, B60D, B60F, B60G, B60H, B60J, B60K, B60L, B60N, B60P, B60Q, B60R, B60S, B60T, B60V, B60W
10	Metallurgy	B22C, B22D, B22F, C21B, C21C, C21D, C22B, C22C, C22F

(g) Application filing under Patent Prosecution Highway (PPH)

The application under PPH may be filed in accordance with the provisions of rule 24C(1)(j) of Patents Rules 2003.

(h) Except where the application has already been published under sub-section (2) of section 11A of the Patents Act, 1970, or a request for publication under rule 24A has already been filed, a request for expedited examination shall be accompanied by a request for publication under rule 24A. (rule 24C (3), the Patents Rules, 2003)

(i) A request for expedited examination shall be made in Form 18A within forty-eight months from the date of priority of the application or from the date of filing of the application, whichever is earlier.

(j) The request for expedited examination in Form 18A shall be submitted by electronic transmission.

(k) The prescribed fee for expedited Examination shall be paid as prescribed under item no. 14A or 14B as applicable, of the First Schedule of the Patents Rules, 2003.

(l) When an applicant files a request for an expedited examination under the PPH pilot program to the IPO, an applicant must fill the form shown on 5.1 as “Information for PPH request to the IPO (IPO as OLE, JPO as OEE)”.

The applicant must indicate that the application is included in (CASE I) to (CASE IV) of chapter 2.1(a), and that the expedited examination is requested under the PPH pilot program. The application number, publication number, or a patent number of the corresponding JPO application(s) also must be written.

2-3. Requirements for the PPH request to the JPO The logo of the Japan Patent Office (JPO) is located to the right of the section header. It features a stylized blue and red 'J' and 'P' followed by the text 'JPO' and 'JAPAN PATENT OFFICE' in smaller letters below it.

In addition to the common requirements under 2-1(a)-(e) above, the following conditions must be met in requesting PPH to the JPO.

(f) Patent applications in all fields of technology

(g) Circumstances concerning an expedited examination must be explained by an applicant

When an applicant files a request for an expedited examination under the PPH pilot program to the JPO, an applicant must fill the form shown on 5.2 as “Information for PPH request to the JPO (JPO as OLE, IPO as OEE)”

The applicant must indicate that the application is included in (CASE I) to

(CASE IV) of chapter 2.1(a), and that the expedited examination is requested under the PPH pilot program. The application number, publication number, or a patent number of the corresponding IPO application(s) also must be written.

* In the case that the application which has one or more claims that are determined to be patentable/allowable is different from the IPO application(s) included in 2-1. (a) (for example, the divisional application of the IPO application), the application number, publication number, or a patent number of the application(s) which has claims determined to be patentable/allowable and the relationship between those applications also must be written.

(h) There shall not be any additional fee for filing PPH request in JPO.

Chapter 3. Documents to be submitted

3-1. Documents to be submitted in IPO (IPO as OLE)



Documents (a) to (d) below must be submitted by attaching to prescribed information in filing a request under PPH. The information for participation in PPH is presented in Chapter 5 of these guidelines.

(a) Copies of all office actions (which are relevant to substantial examination for patentability in the OEE) which were issued for the corresponding application by the OEE, translations of them and a self-certification of the translations.

English is acceptable as translation language. Applicants have to submit a document stating the translations of the all office actions are true and correct as a self-certification of the translations. The OLE examiner may also refer to the OEE's dossier access systems and AIPN translation tool provided by JPO³.

(b) Copies of all claims determined to be patentable/allowable by the OEE and translations of them and a self-certification of the translations.

English is acceptable as translation language. Applicants have to submit a document stating the translations of the all patentable/allowable claims are true and correct as a self-certification of the translations. The OLE examiner may also refer to the OEE's dossier access systems and AIPN translation tool provided by

³ <https://aipn.j-platpat.inpit.go.jp/i0100>

JPO³.

(c) Copies of references cited by the OEE examiner

If the references are patent documents, the applicant doesn't have to submit them because the OLE usually possesses them. When the OLE does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted.

(d) Claim correspondence table

The applicant requesting PPH must submit the claim correspondence table *in the prescribed Form in 5-1 of Chapter 5 of these guidelines*, which indicates how all claims in the OLE application sufficiently correspond to the patentable/allowable claims in the OEE application.

When all the claims in the application completely correspond to the patentable/allowable claims in the OEE application, the applicant can just write down that "All the claims in the application completely correspond to the patentable/allowable claims in the OEE application" in the correspondence table. When claims do not completely correspond to the patentable/allowable claims in the OEE application, it is necessary to explain the sufficient correspondence of each claim in the correspondence table.

3-2. Documents to be submitted in JPO (JPO as OLE) 

Documents (a) to (d) below must be submitted by attaching to the prescribed information in filing a request under PPH. The information for participation in PPH is presented in Chapter 5 of these guidelines.

(a) Copies of all office actions (which are relevant to substantial examination for patentability in the OEE) which were issued for the corresponding application by the OEE and translations of them.

English is acceptable as translation language⁴. The applicant does not have to submit a copy of OEE's office actions and translations of them when those documents are provided via the OEE's dossier access systems⁵ because the

⁴ Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

⁵ <https://ipindiaseservices.gov.in/publicsearch/>

office actions and their machine translations are available for the OLE examiner via the OEE's dossier access systems. If they cannot be obtained by the OLE examiner via the OEE's dossier access systems, the applicant may be notified and requested to provide the necessary documents.

(b) Copies of all claims determined to be patentable/allowable by the OEE and translations of them.

English is acceptable as translation language. The applicant does not have to submit a copy of claims indicated to be patentable/allowable in the OEE, and translations thereof when the documents are provided via the OEE's dossier access systems because the claims and their machine translations are available for the OLE examiner via the OEE's dossier access systems. If they cannot be obtained by the OLE examiner via the OEE's dossier access systems, the applicant may be notified and requested to provide the necessary documents.

(c) Copies of references cited by the OEE examiner

If the references are patent documents, the applicant doesn't have to submit them because the OLE usually possesses them. When the OLE does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted.

The translations of the references are unnecessary.

(d) Claim correspondence table

The applicant requesting PPH must submit a claim correspondence table, ***in the prescribed Form 5-2 of Chapter 5 of these guidelines*** which indicates how all claims in the OLE application sufficiently correspond to the patentable/allowable claims in the OEE application.

When claims are just literal translation, the applicant can just write down that "All the claims in the application sufficiently correspond to the patentable/allowable claims in the OEE application" in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim.

Chapter 4. Procedure for the expedited examination under the PPH pilot program

4-1. Common Procedure

The OLE decides whether the application can be entitled to the status for an expedited examination under the PPH when it receives a request with the documents stated above. When the OLE decides that the request is acceptable, the application is assigned a special status for an expedited examination under the PPH.

4-2. Procedure in IPO



In those instances where the request does not meet all the requirements set forth above, the applicant will be notified about the defects. The applicant has to correct the defects by submitting necessary documents within 30 days. The IPO will consider the documents submitted by the applicant and decide whether the defects are corrected or not. If the defects are corrected, the application will be assigned a special status for expedited examination under the PPH. However, if the defects are not corrected, the IPO will issue the notification of not assigning a special status for expedited examination under the PPH.

After the issuance of notification with regard to not assigning a special status for expedited examination under the PPH, the applicant cannot request the PPH again.

4-3. Procedure in JPO



In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. Before the issue of the notification of not assigning a special status for expedited examination under the PPH, the applicant will be given opportunity to submit missing documents.

Even after the issue of the notification of not assigning a special status for expedited examination under the PPH, the applicant can request the PPH once again in a renewed request for participation.

Chapter 5. Information for Participation in the Patent Prosecution Highway (PPH) Pilot Program

5-1. Information for PPH request to the IPO (IPO as OLE, JPO as OEE)



INFORMATION FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM	
A. Bibliographic Data of corresponding application in IPO	
Application Number (if known)	
Applicant's name	
Title of invention	
B. Request	
Applicant requests participation in the Patent Prosecution Highway (PPH) pilot program based on:	
Office of Earlier Examination (OEE)	JPO
OEE Application Number	
Priority Application Number or PCT Application Number	
C. Required Documents	
I. OEE Work Products and Translations	
1. <input type="checkbox"/> A copy of OEE work products is attached	
2. <input type="checkbox"/> A translation of documents in 1 in a language accepted by the Office is attached <input type="checkbox"/> A self-certification of the translations	
II. Patentable/Allowable Claims Determined by OEE and Translations	
3. <input type="checkbox"/> A copy of all claims determined to be patentable/allowable by OEE is attached	
4. <input type="checkbox"/> A translation of documents in 3 in a language accepted by the Office is attached <input type="checkbox"/> A self-certification of the translations	
III. Documents Cited in OEE Work Products (if required)	
5. <input type="checkbox"/> A copy of all documents cited in OEE work products is attached (excluding patent	

documents); or <input type="checkbox"/> no references cited		
IV. Previously submitted documents		
6. <input type="checkbox"/> If any of the above mentioned documents have been submitted before, please specify:		
D. Claims Correspondence		
<input type="checkbox"/> All the claims in the application completely correspond to the patentable/allowable claims in the OEE application; or		
<input type="checkbox"/> Claims correspondence is explained in the following table		
Application Claims	Corresponding OEE claims	Explanation regarding the correspondence
Mention the claim number and the claim(s) of the application filed in IPO as OLE	Identify the corresponding translated claim number and the claim(s) of the application filed in JPO as OEE and found patentable/ allowable	
Example: Claim 1 A device comprising ...	Claim 1 A device comprising ...	
Name(s) of applicant(s) or representative(s)		
Date		

Example of the self-certification of translation

SELF-CERTIFICATION OF TRANSLATION

I, _____, hereby certify that the translation of the all patentable/allowable claims and office actions from Japanese into English is true and correct to the best of my abilities.

Signature of applicant(s), representative(s) or translator(s)

5-2. Information for PPH request to the JPO (JPO as OLE, IPO as OEE)



PPH申請書 (REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) (PILOT) PROGRAM)					
A. 書誌事項 (Bibliographic Data)					
出願番号 (Application Number)	特願0000-000000				
B. 必要事項 (Request)					
出願人による以下に基づく特許審査ハイウェイの申請: (Applicant requests participation in the Patent Prosecution Highway (PPH) (pilot) program based on:)					
先行庁 (国際調査機関又は国際予備審査機関を含む) (Office of Earlier Examination (OEE))	インド特許意匠商標総局 (IPO)				
先行庁の審査書類形式 (OEE Work Products Type)	<input checked="" type="checkbox"/> 国内出願の審査結果を利用 (PPH又はPPH MOTTAINAI) (National/Regional Office Action(s)) <input type="checkbox"/> PCT国際段階成果物を利用 (PCT-PPH) (WO-ISA, WO-IPEA or IPER)				
先行庁の対応出願番号(国際出願番号含む) (OEE Application Number) (Incl. PCT Application Number)	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">00000000</td> </tr> <tr> <td></td> <td></td> </tr> </table>		00000000		
	00000000				
C. 必要書類 (Required Documents)					
I. 先行庁のオフィスアクションの写し、及び、その翻訳文 (OEE Work Products and, if required, Translations)					
1. <input checked="" type="checkbox"/> 先行庁のオフィスアクションの写しを添付する (A copy of OEE work products is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、オフィスアクションの情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
2. <input checked="" type="checkbox"/> 上記1. の日本語又は英語の翻訳文を添付する (A translation of documents in 1 in a language accepted by the Office is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記1. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
II. 先行庁における特許可能な請求項、及び、その翻訳文 (Patentable/Allowable Claims Determined by OEE and, if required, Translations)					
3. <input checked="" type="checkbox"/> 先行庁出願において特許可能と判断された全請求項の写しを添付する (A copy of all claims determined to be patentable/allowable by OEE is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、特許可能と判断された全請求項の情報が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
4. <input checked="" type="checkbox"/> 上記3. の日本語又は英語の翻訳文を添付する (A translation of documents in 3 in a language accepted by the Office is attached; or) <input type="checkbox"/> ドシエ・アクセス・システム又はPATENTSCOPEにおいて、上記3. の英語翻訳が提供されている (The office is requested to retrieve documents via the Dossier Access System or PATENTSCOPE)					
III. 引用文献 (Documents Cited in OEE Work Products (if required))					
5. <input checked="" type="checkbox"/> 引用非特許文献を添付する (A copy of all documents cited in OEE work products is attached (excluding patent documents); or) <input type="checkbox"/> 引用非特許文献も引用特許文献もなし (No references cited)					

IV. 先の提出書類の援用の表示 (Previously submitted documents)			
6. <input type="checkbox"/> 上記において「添付する」とチェックした書類のうち、先に提出した書類を援用する (If any of the above mentioned documents have been submitted before, please specify:)			
		(先行庁のオフィスのアクションの写し、及び、その翻訳文) OEE work products, and if required, translations	
		(先行庁における特許可能な請求項、及び、その翻訳文) Patentable / allowable claims determined by OEE and, if required, translations	
		(引用非特許文献) Non-patent documents cited in OEE work products	
V. 提出物件 (援用する物件は除く) (List of names of documents submitted) 早期審査に関する事情説明書に記載のとおり。 As described in "The Explanation of Circumstances Concerning Accelerated Examination"			
VI. 提出を省略する物件 (List of names of documents omitted for submission)			
		(先行庁のオフィスのアクションの写し、及び、その翻訳文) OEE work products, and if required, translations	
		(先行庁における特許可能な請求項、及び、その翻訳文) Patentable / allowable claims determined by OEE and, if required, translations	
		(引用特許文献) Non-patent documents cited in OEE work products	
		米国特許第0000000号公報	
		ドイツ出願公開第00 0000 000 000.0号公報	
D. 請求項の対応関係 (Claims Correspondence)			
<input checked="" type="checkbox"/> 先行庁の特許可能な全請求項と完全に一致する (請求項の削除、追加、並び替えが無く、請求項の文言が完全に一致する) (All the claims in the application sufficiently correspond to the patentable/allowable claims in the OEE application; or)			
<input type="checkbox"/> 請求項の対応関係は、以下の表に記載 (Claims correspondence is explained in the following table)			
	本出願の請求項 (Application Claims)	先行庁の対応請求項 (Corresponding OEE claims)	対応関係に関するコメント (複数の出願と対応する場合は、コメント欄に対応する出願番号も記載して下さい。) (Explanation regarding the correspondence)
E. 見解書、予備審査報告の第VIII欄 (国際出願に対する意見) に対する釈明 (explaining any Box VIII observations of WO/ISA, WO/IPEA or IPER)			
出願人又は代理人 (Name(s) of applicant(s) or representative(s)) 早期審査に関する事情説明書に記載のとおり。 As described in "The Explanation of Circumstances Concerning Accelerated Examination"			
提出日 (Date) 早期審査に関する事情説明書に記載のとおり。 As described in "The Explanation of Circumstances Concerning Accelerated Examination"			
提出者 (Signature(e) of the applicant/representative) 早期審査に関する事情説明書に記載のとおり。 As described in "The Explanation of Circumstances Concerning Accelerated Examination"			

【書類名】 早期審査に関する事情説明書
 The name of this paper:
 The Explanation of Circumstances Concerning Accelerated Examination

【提出日】 令和00年00月00日
 Date of filing

【あて先】 特許庁長官殿
 Destination: Commissioner of Japan Patent Office

【事件の表示】
 【出願番号】 特願 0000-000000
 Application number

【提出者】
 【識別番号】 000000000
 【住所又は居所】 〇〇県〇〇市〇丁目
 【氏名又は名称】 〇〇〇〇〇
 The name and address of who submit this

【代理人】
 【識別番号】 000000000
 【住所又は居所】 〇〇県〇〇市〇丁目
 【氏名又は名称】 〇〇 〇〇
 The name and address of the attorney

【早期審査に関する事情説明】
 The explanation of circumstances concerning accelerated examination

1. 事情
 特許審査ハイウェイに基づく早期審査の申請を行う。
 本出願はインド特許意匠商標総局への出願(特許出願番号0000000)をパリ条約に基づく優先権の基礎出願とする出願である。当該インド出願に対しては、インド特許意匠商標総局により特許査定が発行されている。

1. Circumstances
 The accelerated examination is requested under the PPH program.
 This application is an application validly claiming the priority under the Paris Convention to the corresponding IPO application (the application number is 000000000), and the Decision to Grant a Patent has been issued by the IPO.

以下において、「引用非特許文献1」とは、「村岡洋一著、「コンピュータサイエンス大学講座(第 11 巻) コンピュータ・アーキテクチャ」、第 2 版、株式会社近代科学者、1985 年 11 月、p. 123 - 127」である。

In what follows, “non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2nd edition, Scientist com, Nov. 1985, p.123-127.”

Bibliographical items

If the name of the document is long (over than 50 letters), it is impossible to write it down directly to the column “【物件名】.” Please write down the full name of the document in the column “【早期審査に関する事情説明】” and name it properly. Then write the name in the column “【物件名】.”

【提出物件の目録】

List up the documents to be submitted

The list of submitted documents

- 【物件名】 PPH 申請書 1
- 【物件名】 **年**月**日付の拒絶理由通知書の写し及びその翻訳文 1
- 【物件名】 **年**月**日付の特許査定書の写し及びその翻訳文 1
- 【物件名】 特許可能と判断された請求項の写し及びその翻訳文 1
- 【物件名】 引用非特許文献1 1

(The name of the document) PPH request form 1
(The name of the document) Copy and translation of Notification of Reasons for Refusal in the IPO on (date) 1
(The name of the document) Copy and translation of grant in the IPO on (date) 1
(The name of the document) Copy and translation of the claims indicated patentable in the report on the state of the art and written opinion in the IPO on (date) 1
(The name of the document) Cited non patent literature 1

Use the same name as “【物件名】” under “【提出物件の目録】.”

Attach the document here as image file or text.

【添付物件】

The list of attached documents

- 【物件名】 PPH 申請書
- PPH request form

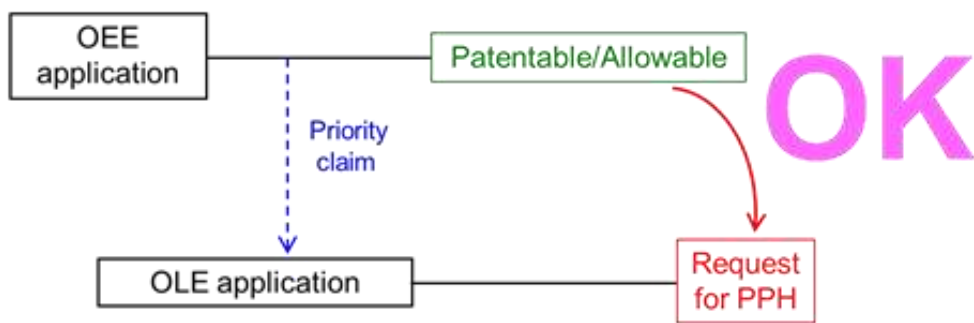
【内容】

【物件名】 **年**月**日付の拒絶理由通知書の写し及びその翻訳文 Copy and translation of Notification of Reasons for Refusal in the IPO on (date)	Use the same name as “【物件名】” under “【提出物件の目録】.”
【内容】 Attach the copy of the document.	
【物件名】 **年**月**日付の特許査定書の写し及びその翻訳文 Copy and translation of grant in the IPO on (date)	
【内容】 Attach the copy of the document.	
【物件名】 特許可能と判断された請求項の写し及びその翻訳文 Copy and translation of the claims indicated patentable in the report on the state of the art and written opinion in the IPO on (date)	
【内容】 Attach the copy of the document.	
【物件名】 引用非特許文献1 Cited non-patent literature1	
【内容】 Attach the copy of the document.	

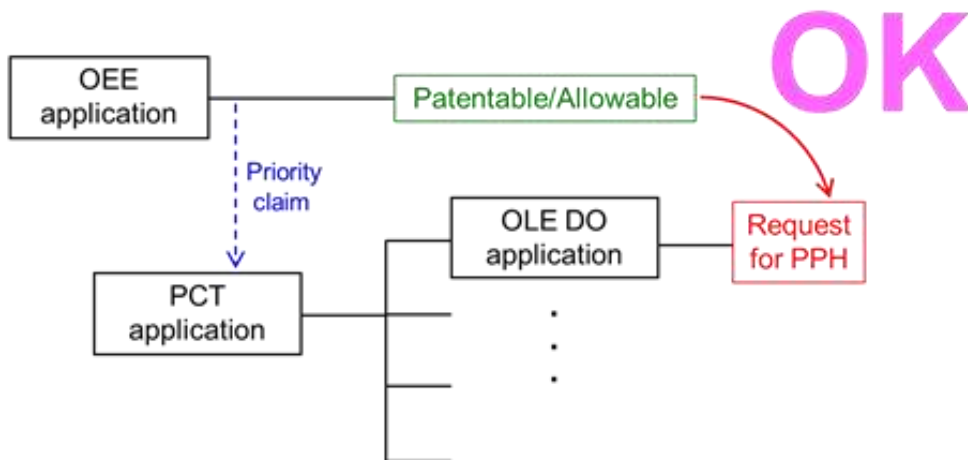
Note that in the case of paper procedure, the pendency period (the period between the request for PPH and the first office action) tends to be longer than on-line procedure.

Annex1: Cases under Chapter 2, 2-1

A A case meeting requirement (a) (I)
- Paris route -



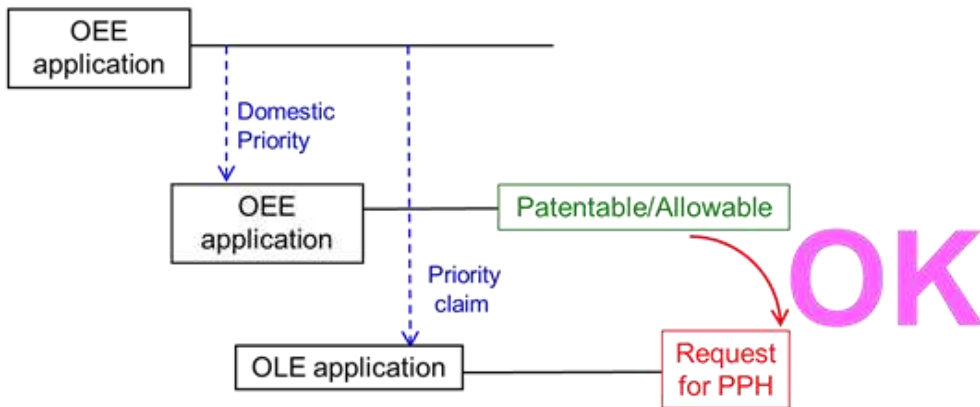
B A case meeting requirement (a) (I)
- PCT route -



C

A case meeting requirement (a) (I)

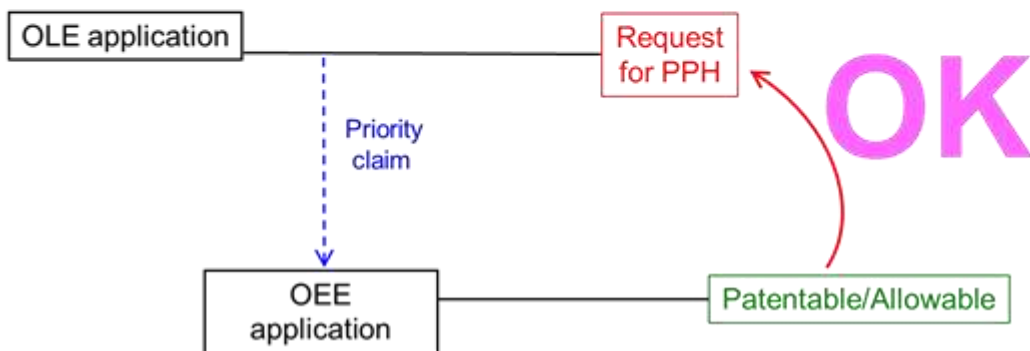
- PCT route, Domestic priority -



D

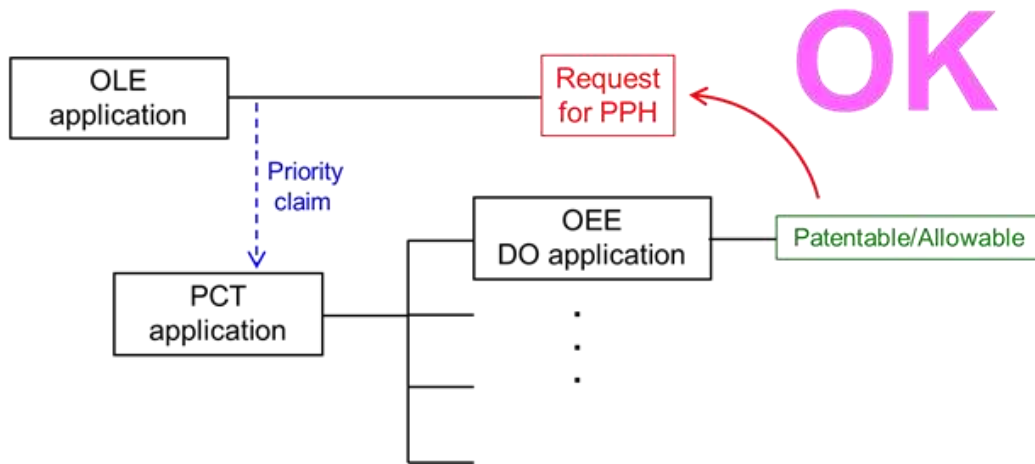
A case meeting requirement (a) (II)

- Paris route -



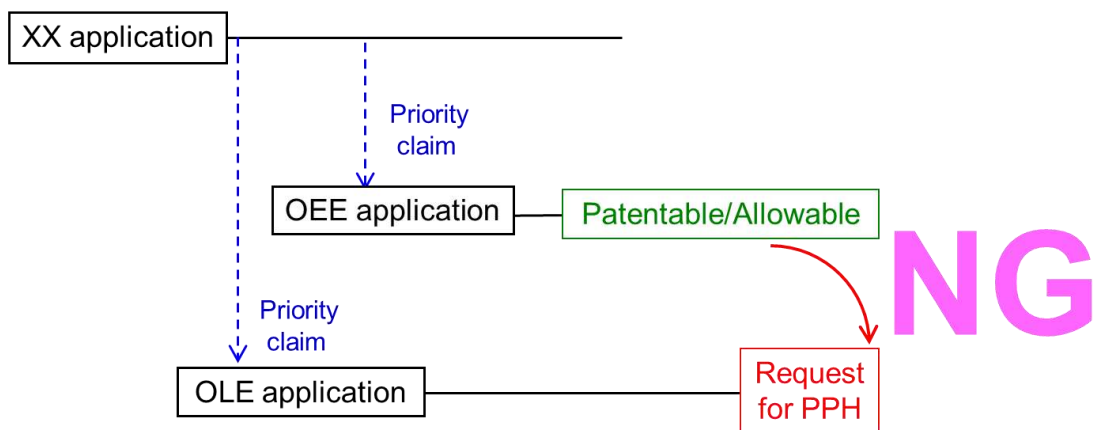
E

A case meeting requirement (a) (II) - PCT route -



F

A case not meeting requirement (b) - Paris route, but the first application is from the third country -

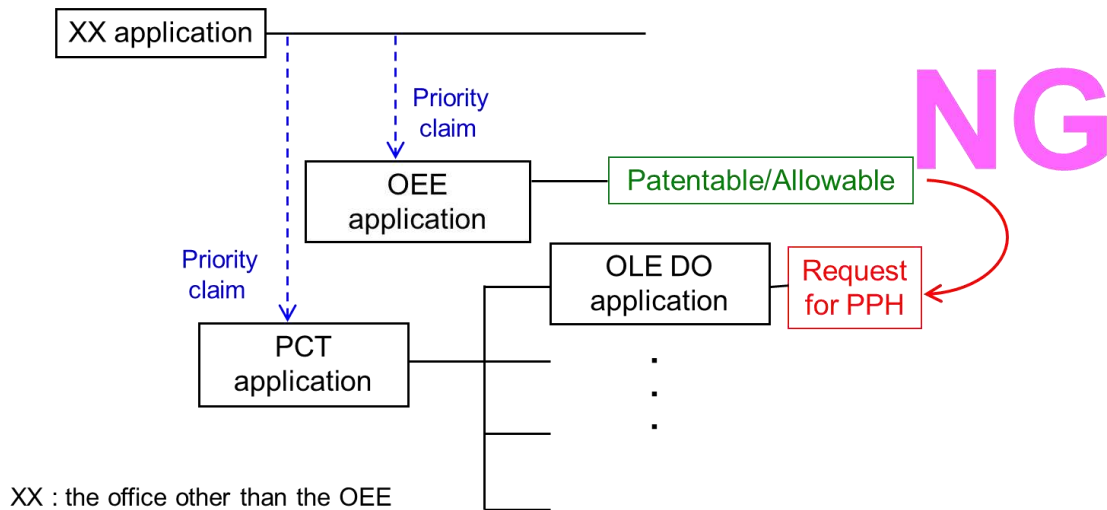


XX : the office other than the OEE

G

A case not meeting requirement (b)

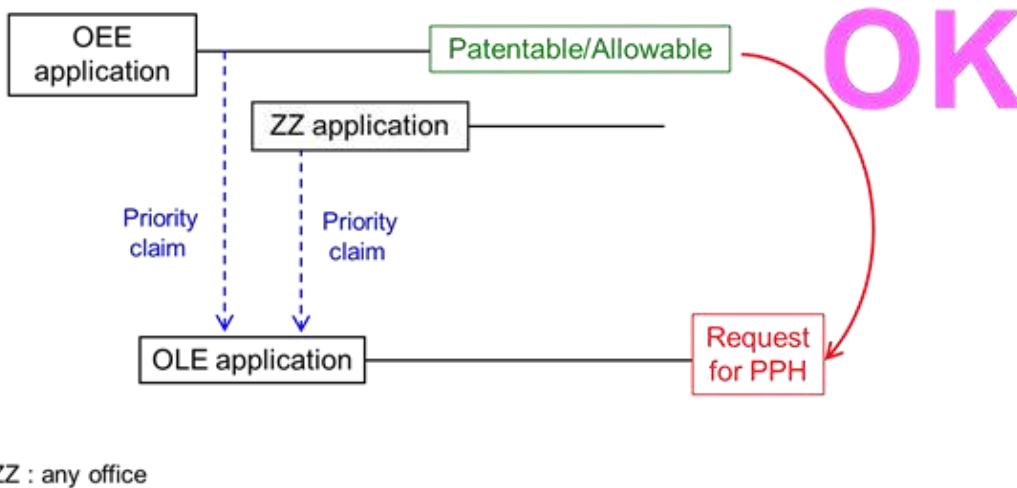
- PCT route, but the first application is from the third country -



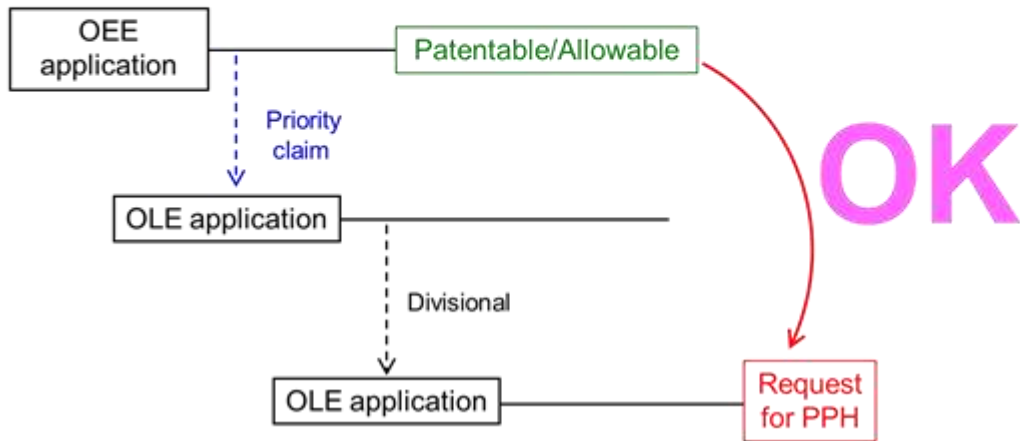
H

A case meeting requirement (a) (I)

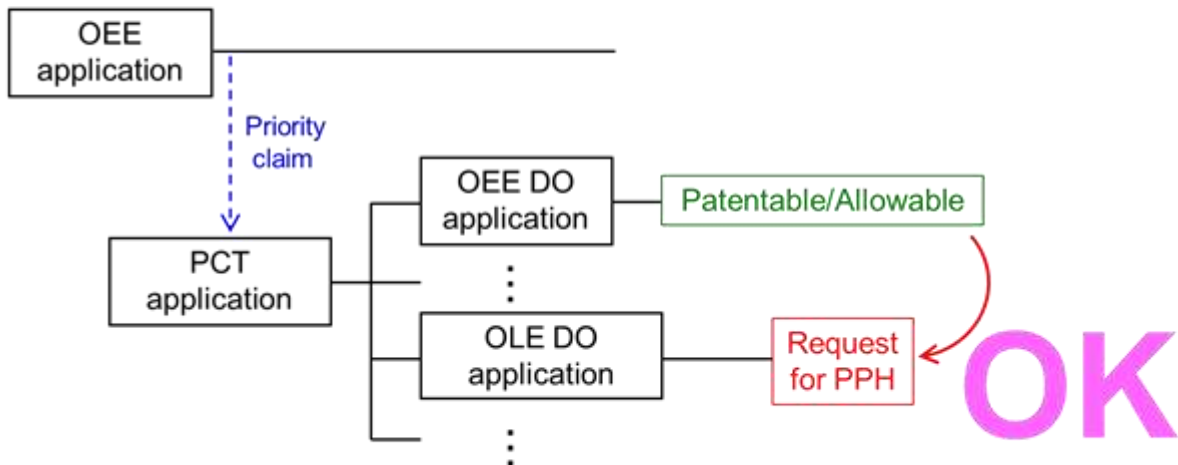
- Paris route & Complex priority -



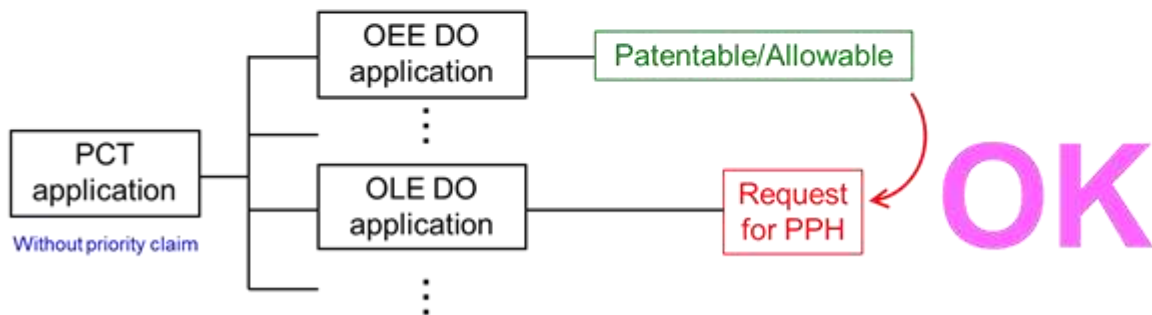
I A case meeting requirement (a) (I)
- Paris route & divisional application -



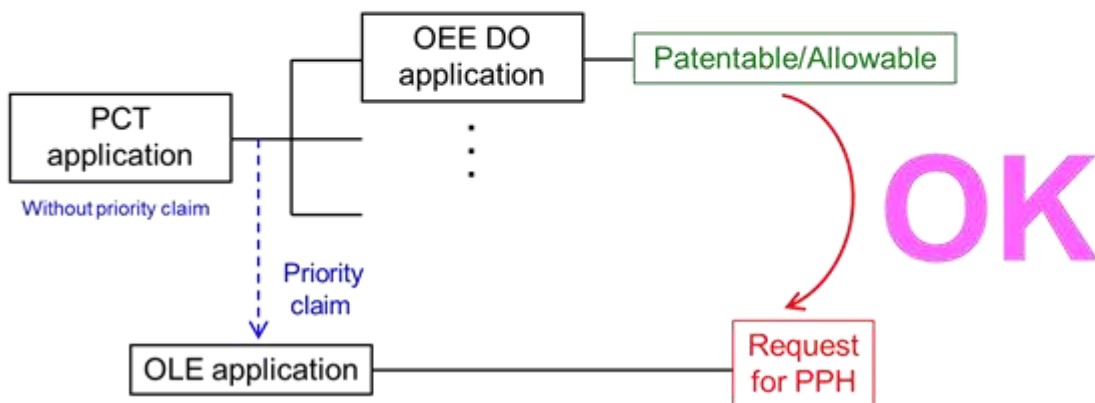
J A case meeting requirement (a) (I)
- PCT route -



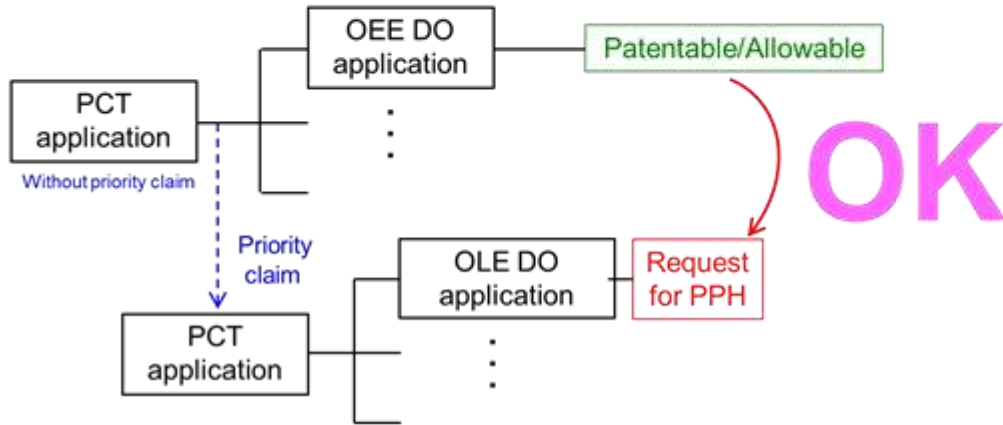
K A case meeting requirement (a) (IV)
- Direct PCT route -



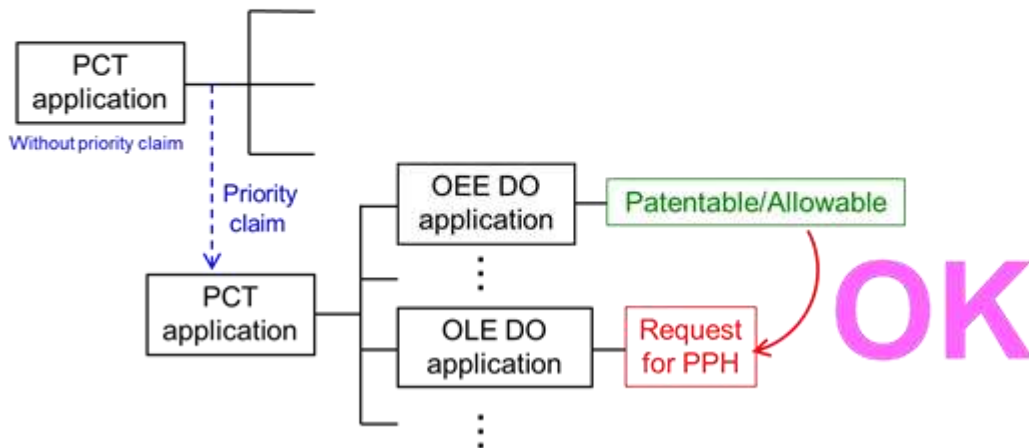
L A case meeting requirement (a) (III)
- Direct PCT & Paris route -



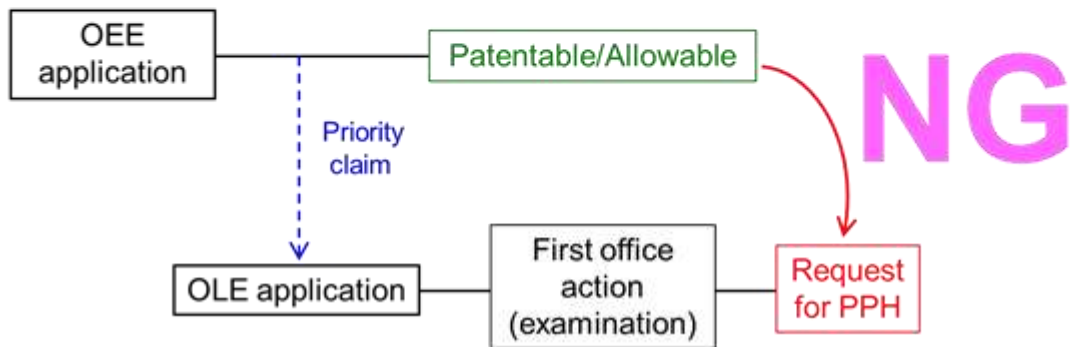
M A case meeting requirement (a) (III)
- Direct PCT & PCT route -



N A case meeting requirement (a) (III)
- Direct PCT & PCT route -



O A case not meeting requirement (d)
- Examination has begun before a request for PPH -



Annex2: Joint Statement of Intent (JSol)

JOINT STATEMENT OF INTENT (JSol)

BETWEEN THE OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADE MARKS, INDIA (CGPDTM) AND THE JAPAN PATENT OFFICE (JPO) ON PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM), INDIA and the Japan Patent Office (JPO) (hereinafter referred to individually as "Office" and collectively as "Offices"), have reached a common understanding on Patent Prosecution Highway (PPH) as follows:

Item 1. Objective

The Patent offices of both the countries aim to commence a Bilateral Patent Prosecution Highway pilot program consisting of Normal PPH and PPH MOTTAINAI (commonly referred to as "IPO-JPO PPH Pilot Program") that facilitates the examination of patent applications commonly filed at both the Offices.

Item 2. Implementation

Each Office will establish its own 'Guidelines' for the execution of this Pilot Program.

Item 3. Domestic laws to prevail

The decision regarding patentability of a patent application filed under the Pilot Program will be governed strictly by the respective domestic laws and regulations applicable to the Office concerned.

Item 4. Duration and number of applications

This Pilot program will be limited to 100 patent applications originating from each Office per year for a total period of three years.

While there will be no limit on maximum number of applications from a single applicant to be received at JPO, the maximum number of applications from a single applicant to be received at IPO, may be decided by the CGPDTM from time to time.

Item 5. Financial Resources

There will be no transfer of financial resources between the Offices. Each Office will be responsible for its own expenses and costs incurred. The Pilot program will be implemented by the Offices with the resources assigned in their respective budgets, subject to their availability and provisions of domestic laws.

Item 6. Technical fields

Under this Pilot program, IPO may receive patent applications in certain specified technical fields only, viz. Electrical, Electronics, Computer Science, Information Technology, Physics, Civil, Mechanical, Textiles, Automobiles and Metallurgy while JPO may receive applications in all fields of technology.

Item 7. Review/Modification

The Pilot program may be reviewed every year. This Joint Statement of Intent (JSOI) may be amended by mutual consent in writing, specifying the date of entry into effect of such amendment.

Item 8. Status

This Joint Statement of Intent (JSOI) does not have any legal binding. It does not create any legal obligations under international or domestic laws either.

Item 9. Difference in interpretation and consultation

The Offices will resolve any difference in interpretation, amicably through mutual consultations.

Item 10. Final clauses

This Joint Statement of Intent (JSOI) will remain valid for a period of 3 years from the date of signing by the Offices.

However, either Office may notify its intention to terminate this Joint Statement of Intent (JSOI) by sending a communication in writing to the other Office at least 30 calendar days in advance. The JSOI shall stand terminated immediately thereafter. All applications received before termination of this JSOI shall be processed accordingly.

Signed atDELHI..... on 21/11/2019 (DD/MM/YYYY), in three original copies each in English, Japanese and Hindi. In case of a difference in interpretation, the English version shall prevail.

Japan Patent Office

Indian Patent Office

松永 明

Commissioner



Controller General of Patents, Designs and
Trade Marks