

March 13, 2009

To: General Affairs Department
Japan Patent Office
Ministry of Economy, Trade and Industry

Hirohiko Usui
President
Japan Intellectual Property Association

Opinions on the Plan for the Deferred Payment of Examination Request Fees

In response to the invitation of public comments posted by the Japan Patent Office (JPO) on February 21, 2009, we would like to submit our opinions on the issue referred to in the title above.

We would appreciate it if you could take into consideration our opinions stated below.

1. The plan for the deferred payment of examination request fees, which is currently under consideration at the JPO, is a desirable option that can be an emergency aid measure for our member companies. We would sincerely request that the JPO put it into force.

In the actual implementation of this measure, we would hope that the JPO will also:

- clearly indicate the accounting procedure that applicants will be required to perform (e.g. whether they should include the deferred fees in the accounts payable;
- consider extending the period for submitting a response to an office action ordering an amendment;
- consider disclosing the "date of request for examination" in the prosecution history information available at IPDL (to enable monitoring by third parties); and
- review the implementation period, which is currently limited to two years, if it is necessary in light of the economic situation when the initial two-year period expires (or extend the period).

2. In view of the current economic depression, we would also like to request that the JPO consider the following emergency measures in addition to the one mentioned above:

- 1) introduce a flexible examination system in terms of when to commence examination (e.g. flexibly respond to the applicant's request for the time to commence "batch examination" under the consolidated [coordinated] examination program for related applications;
- 2) introduce a system to make a "full refund" of the examination request fees upon the withdrawal of the request for examination before the commencement of the examination procedure; and
- 3) introduce, ahead of schedule, a discount system for annual fees under the license-of-right system applicable to all types of rights