



Requirements for Prior Art Information Disclosure

Effective as of May 1, 2006

(Applicable to patent applications filed on or after September 1, 2002)

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1. *Requirements for Prior Art Information Disclosure in the detailed description*

According to Sections 36(4) (ii) of the existing Japanese patent law, at the time of filing a patent application, the detailed description of the invention shall contain bibliography of at least one of such prior art document's).



2. Office Action requiring information on Prior Art under Section 48septies of the Japanese patent law

After May 1, 2006, if the examiner judges that a patent application fails to satisfy the requirement for disclosure of such information, he/she may issue an Official Action to submit the information within 60 days time limit (for foreign applicants) from the mailing date of the said Office action. This time limit is not extendable.

3. Response to the Office Action under Section 48septies

In response to the said Office Action, the applicant can add information on prior art documents by filing an amendment.

NOTE:

The amendment to add contents of inventions of prior art document to the specification or drawings may not be allowable in case of an amendment such as addition of the information regarding working invention may constitute addition of new matters.



4. Notice of Reasons for Rejection for Not Satisfying Requirement for Disclosure of Information on Prior Art Documents

Where an Office Action under Section 48septies is issued, and the patent application still fails to satisfy the requirement despite the filing of the amendment or argument, the examiner shall issue a Notice of Reasons for Rejection.

5. Response to the Office Action of Reasons for Rejection

The applicant can add information on prior art documents by filing an amendment.

If the examiner is convinced that the requirement is satisfied by filing these amendment or argument, the Reason for Rejection will be overcome.

In the case where these amendment or argument does not change the examiner's conviction that the requirement is not satisfied, the examiner shall issue a Decision of Rejection.

5. Response to the Office Action of Reasons for Rejection

ADVISE:

It is not severe system like IDS in the US and what is required is Information of Prior Art. Failing to satisfy the above requirement will not be a reason for invalidation or a reason for revocation, but a reason for rejection. So it is unnecessary to send actual documents to JP Counsel.



Thank you for your attention