

< Japan >

## **Accelerated Examination before Publication : its Effectiveness**

Towa International Patent Firm

Patent Attorney

**Kitaru Kato**

Japan Patent Office will soon achieve its goal of beginning the examination more quickly, within 11 months after its application.

We see for these few years the increase in applications that are decided for registration before the publication.

This is because of some of the applications that demand accelerated examination.

An earlier result of patent application is information that is extremely useful to develop business strategy swiftly.

Besides, giving a result within one year after application encourages an inventor to work on next development more effectively than getting a result after several years from application. This leads to more inventions and to more applications accordingly.

The more inventions there are, the more enhancements in firms' technology we see. The following increase in applications enables firms to develop effective intellectual property strategies and to enlarge their market.

When given a result of high possibility of rejection before one and a half year have passed since application, we can withdraw it and make another application including additional technical features. This pattern will increase in the future.

It prevents the publication of inventions that are likely to be rejected. The withdrawal is effective because the publication of inventions that are not patented is sometimes unfavorable.

It also lets reapplied inventions and those related to them avoid being rejected because of the citation of the publications of the earlier applications that have no possibility of taking out patent. It is a tragedy that a self-invention is rejected by another earlier

self-invention that will not be patented. This situation should be evaded by withdrawing the application before its publication.

If the applied invention partly includes the reason for rejection, you might want only the implementation examples of patented invention to be published, preventing the publication of examples of invention to be rejected. It is effective in this case that you divide the application of invention so as to avoid rejection and withdraw the original application before its publication. It is expected that divisional application will be used increasingly in such an early stage as before the publication.

As we have reviewed above, accelerated examination is effective if combined with the withdrawal of application before the publication, reapplication and divisional application. It can increase investor's motivation for the next inventions and can also practice technology more firmly.

A pleasant result within one year from the application makes an inventor happy before he or she loses interest. It is also favorable for companies because they can appreciate the invention and can launch business more easily.