日本国への特許出願について

（1）パリ条約に基づく日本国への特許出願

・優先権主張期間：基礎出願から 1 年

・出願の言語：日本語または外国語。外国語書面で出願した場合は、優先日から 1 年 4 ヶ月以内に翻訳文の提出必要。

・審査請求：出願とは別に請求する。審査請求期間は、日本国出願日から 3 年以内。

（2）PCT 出願に基づく日本国への国内移行

・移行手続：国内書面の提出が必要（国内書面提出期間：優先日から 30 ヶ月以内）

・翻訳文：優先日から 30 ヶ月以内に提出必要。

ただし、国内書面を優先日から 28 ヶ月経過後に提出した場合は、国内書面提出日から 2 ヶ月以内に翻訳文を提出すればよい。

・審査請求：国際出願日から 3 年以内。

ただし、国内書面および翻訳文を提出した後でなければ請求不可。

（注）国内移行と同時に審査請求をする必要なし。

・実用新案を選択可能。（注）日本において、実用新案は実体審査なしで登録。

（3）その他

・分割出願の時期……次のいずれか。[1] 補正可能期間、[2] 特許査定の謄本送達日から 30 日以内、[3] 最初の拒絶査定の謄本送達日から 4 か月以内（在外者に限る）。

・審査請求庁手数料および特許料……クレーム数に応じて変動

（東和国際特許事務所）

Basics of Filing a Patent Application in Japan

(1) Filing a Patent Application in Japan under the Paris Convention

・The period for filing an application in Japan with claim of priority : One year from the filing date of the original application.

・Language for an application : Japanese or other languages. In case of applying in other languages, a Japanese translation must be submitted within one year and four months from the priority date.

・Request for substantive examination (hereinafter referred to as "RSE") : Must be filed separately from an application. The period for filing the RSE is within three years from the filing date of the patent application in Japan.

(2) Entering a PCT International Application into the National Phase in Japan

・Entry procedures : a document of the national phase must be submitted. (The period for submitting the document of the national phase : Within 30 months from the priority date)

・Japanese translation : Must be submitted as part of the document of the national phase within 30 months from the priority date, or separately within two months from the date of submitting the document of the national phase in case of submitting the document of the national phase after a lapse of 28 months from the priority date.

・RSE : Must be filed within three years from the filing date of the international application, however, the RSE can only be filed after submitting the document of the national phase and the Japanese translation.

Note : The RSE does not have to be filed at the same time of the entry into the national phase.

・The PCT application can be deemed, at applicant's option, as an application for a utility model registration.

Note : In Japan, no substantive examination is conducted for utility model applications.

(3) Others

・Divisional application : Can be filed within the time limits as set forth in (i) to (iii) below ;

(i) during the period in which amendments are allowed, (ii) within 30 days from transmittal of a certified copy of a decision to grant a patent, or (iii) within four months from transmittal of a certified copy of the initial decision of refusal (only for applicants who live outside of Japan).

・RSE and annual patent fees : Change according to the number of claims.

(Towa International Patent Firm)