



TOKYO WTC HARAKENZO
50th Anniversary in 2026

特許業務法人
HARAKENZO
WORLD PATENT & TRADEMARK
INTELLECTUAL PROPERTY LAW FIRM

Newsletter

May 2021
JAPAN

TOPICS

Extension of US-JP Collaborative Search Pilot Program

日米協働調査試行プログラムの延長

JPO Status Report 2021

特許庁ステータスレポート2021

The Ministry of Agriculture, Forestry and Fisheries Announces List of Seeds Prohibited From Being Taken Out Overseas

農林水産省、種苗の海外への持ち出し禁止リストを公表

Patent Examination Highway (PPH) Program - Morocco

特許審査ハイウェイ (PPH) ～モロッコ～

Revised Design Act Enforced on April 1, 2021

4月1日施行された改正意匠法



Extension of US-JP Collaborative Search Pilot Program

日米協働調査試行プログラムの延長

US-JP Collaborative Search Pilot Program (hereinafter referred to as "CSP") is a program in which the examiners of the USPTO and the Japan Patent Office (JPO) jointly examine patent applications for the identical invention. Specifically, before first office actions are notified by the USPTO and the JPO, both the USPTO and the JPO prepare and exchange draft office actions, and, after considering the draft office actions prepared by the other Offices, prepare and notify formal office actions.

After the operations of the first phase of the CSP (two years from August 1, 2015) and the second phase of the CSP (three years from November 1, 2017), the third phase of the CSP (two years from November 1, 2020) is currently being operated.

The benefits of participating in the CSP, for example, include:

- Applicants can receive examination results from both the USPTO and the JPO during the same time period.
- Examinations of patent applications under the CSP are highly likely to provide greater consistency in judgments on novelty and an inventive

step by the USPTO and the JPO as compared to examinations of ordinary patent applications. In addition, if there is consistency in judgments on novelty and an inventive step by the USPTO and the JPO, applicants can file similar responses with the USPTO and the JPO.

- Patent applications under the CSP are subjected to accelerated examination without the necessity to pay an additional fee and without using USPTO's prioritized patent examination (Track One).
- It is not necessary to submit an IDS to the USPTO for prior art documents presented by the JPO.
- It is expected that search omissions are prevented in the examination process, and applicants can acquire more stable patent rights.

Since the CSP has multiple merits as described above, participation in the CSP can be considered as a strategy for efficient rights acquisition in Japan and the United States.

For more details on the CSP, see the websites of the JPO and the USPTO below.

<https://www.jpo.go.jp/system/patent/shinsa/general/nichibei.html>
<https://www.uspto.gov/patents/search/international-protection>

日米協働調査試行プログラム(以下、「CSP」と称する。)は、同一の発明の出願について、日米の審査官が共同して審査を行うプログラムである。具体的には、日米特許庁から最初のアクションが通知される前に、日米双方においてアクション案の作成および交換が行われ、他方の庁のアクション案を検討してから、正式なアクションが作成および通知される。

CSPは、第1期(2015年8月1日から2年間)、第2期(2017年11月1日から3年

間)の運用を経て、現在、第3期(2020年11月1日から2年間)の運用中である。

- CSP参加のメリットとして、例えば、以下が挙げられる。
- ・日米両庁の審査結果を同時期に受領することができる。
- ・通常の案件の審査と比較して、日米で新規性・進歩性の判断が一致する可能性が高い。また、新規性・進歩性の判断が一致した場合は、日米両庁で同様の応答が行える。
- ・米国優先審査(Track One)を利用せずとも、無料で早期に審査が受けられる。
- ・日本国特許庁が提示した先行技術文献について、米国でIDSの提出が不要となる。
- ・審査過程でのサーチ漏れの防止が期待され、より安定した権利を得ることができる。

CSPには、上記のような複数のメリットが存在するため、日米における効率的な権利化の一戦略として、CSP参加が考慮され得る。

なお、CSPの詳細については、下記日本国特許庁及び米国特許商標庁のウェブサイトをご参照のこと。

<https://www.jpo.go.jp/system/patent/shinsa/general/nichibei.html>
<https://www.uspto.gov/patents/search/international-protection>

JPO Status Report 2021

特許庁ステータスレポート2021

On March 31, 2021, the Japan Patent Office published the "JPO Status Report 2021". The outline of this report is as follows.

Part 1: Facts and Figures on Trends in Intellectual Property

- Chapter 1: Trends in Intellectual Property in Japan

(Statistical information on patent, design, trademark applications and registrations, and the like with the Japan Patent Office)

- Chapter 2: Trends in Intellectual Property Worldwide

(Statistical information on patent, design, trademark applications and registrations, and the like with patent offices in major countries (Japan, US, Europe, China and South Korea))

Part 2: 2020 Policy Outcomes

- Chapter 1: Examinations/Trials and Appeals

(Implementation of measures focused on improvement in speed and quality of examinations/trials and appeals, and the like)

- Chapter 2: International Initiatives

(Efforts to harmonize intellectual property systems and practices, and the like, support for improvement of intellectual property systems in emerging and developing countries, and cooperation and collaboration with foreign intellectual property offices and agencies)

- Chapter 3: Support Measures, Law Amendments, etc.

(Support for venture companies, small and medium-sized enterprises, universities, etc., efforts to improve operations at the JPO, and response to the COVID-19 pandemic, and the like)

The data in the "JPO Status Report 2021" is very interesting and useful for comprehensively grasping the trends of intellectual property in 2021 and deciding the direction and policy of future intellectual property activities.

The "Patent Office Status Report 2021" can be accessed at the following URL.

<https://www.jpo.go.jp/resources/report/statusreport/2021/index.html>

令和3年3月31日、日本国特許庁は、2021年度の特許庁ステータスレポートを公表した。概要は、以下の通りである。

第1部 数字で見る知財動向

・第1章 我が国の知財動向

(特許庁への特許・意匠・商標の出願や登録等に関する統計情報)

・第2章 世界の知財動向

(主要国特許庁(日米欧中韓)への特許・意匠・商標の出願や登録等に関する統計情報)

第2部 2020年の施策成果

・第1章 審査・審判

(審査・審判のスピードや品質向上等に関する取組)

・第2章 国際的取組

(知的財産制度・運用の調和等に関する取組、新興国・途上国における制度整備の支援、各国特許庁・関係機関との協力)

・第3章 支援施策、法改正等

(ベンチャー・中小企業・大学等支援、特許庁における業務改善の取組、新型コロナウイルス感染症拡大に伴う対応等に関する取組)

2021年度の知財動向を総合的に捉えて、今後の知財活動の方向性・方針を決めるうえで、非常に興味深いデータである。

なお、「特許庁ステータスレポート2021」には、以下のURLよりアクセスできる。

<https://www.jpo.go.jp/resources/report/statusreport/2021/index.html>

The Ministry of Agriculture, Forestry and Fisheries Announces List of Seeds Prohibited From Being Taken Out Overseas

農林水産省、種苗の海外への持ち出し禁止リストを公表

On April 9, 2021, the Ministry of Agriculture, Forestry and Fisheries of Japan released a list of agricultural products, the seeds of which are prohibited from being taken out overseas.

This is a system based on the revised Plant Variety Protection and Seed Act, which came into effect on April 1, 2021, and is intended to prevent the flow of excellent varieties overseas.

With the revision of the Act, it became possible to designate the countries and regions to which registered varieties can be taken out. Penalties for infringement of intellectual properties will be applied to the illegal export of the registered varieties to countries and regions other than the designated countries and regions.

Many varieties on the list are listed as having "no designated countries", and therefore cannot be taken out of the country in principle. It is expected that the varieties to be prohibited from being taken out overseas will be gradually expanded in the future.

Reference URL (Japanese only)

* Announcements from the Ministry of Agriculture, Forestry and Fisheries

Introduction to Our Firm's Service

当所のサービス紹介

Patent Search

- We provide patent search and analysis services such as **clearance search for JP patents** and **search for invalidation materials in Japanese literature**.
- We provide high-quality analysis results by practitioners who frequently deal with JP Office Actions.
- It is possible to provide reports in languages other than Japanese, such as English and Chinese.

» Click here for details

專利調査

- 提供日本專利防侵权調查、日語文獻無效資料調查等專利調查分析服務。
- 由每天處理JP Office Action的專業人員為您提供高質量的分析結果。
- 所提供的分析報告除日語之外，還可為英語及漢語等。

» 詳情点击这里

特許調査

- JP特許のクリアランス調査、日本語文獻の無効資料調査などの特許調査分析サービスを提供します。
- JP Office Actionに日々対応している実務家による、ハイクオリティな分析結果を提供します。
- 英語・中国語など、日本語以外による報告も可能です。

» 詳細はこちらへ

Candidate variety→

<http://www.hinshu2.maff.go.jp/gazette/seigen/seigen-shutsugan.html>

Registered variety→

<http://www.hinshu2.maff.go.jp/gazette/seigen/seigen-touroku.html>

農林水産省は4月9日に、海外への種苗の持ち出しを禁止する農産物リストを公表した。

4月1日で施行された改正種苗法に基づく制度で、優良品種の海外流出を防ぐためのものである。

今回の法改正により、登録品種を持ち出すことができる国や地域を指定出来る様になり、指定先以外への不正持ち出しには、知的財産の侵害による罰則が適用される。

リスト内の多くの品種は、「指定国なし」で届出されているため、原則として国外に持ち出せないようになっている。対象となる品種は今後も順次拡大される見込みだ。

参照URL(日本語のみ)

*農林水産省告示

出願品種→

<http://www.hinshu2.maff.go.jp/gazette/seigen/seigen-shutsugan.html>

登録品種→

<http://www.hinshu2.maff.go.jp/gazette/seigen/seigen-touroku.html>

Patent Examination Highway (PPH) Program - Morocco

特許審査ハイウェイ (PPH) ～モロッコ～

The Japan Patent Office (JPO) and the Moroccan Office of Industrial and Commercial Property (OMPIC) started the Patent Examination Highway (PPH) trial program on April 1, 2021. The OMPIC is the second institution in the African region to implement the PPH program with the JPO, following the Egyptian Patent Office (EGPO).

The program enables applications determined to be patentable in Japan to receive an accelerated examination in Morocco through a simple procedure by a request from the applicants. As an increasing number of Japanese companies have developed business in Morocco in recent years, it is expected that the PPH will facilitate their business expansion in the country.

With the start of the PPH trial program with Morocco, the number of countries/regions with which the JPO has concluded the PPH program has risen to 46, and the JPO has the biggest number of PPH partner countries/regions in the world.

The JPO has pledged to continue to support applicants in prompt and stable acquisition of rights overseas through the PPH program and to achieve quality improvement and burden reduction in examination at the JPO by utilizing examination results from other countries.

日本国特許庁(JPO)とモロッコ工商業所有権庁(OMPIC)は、2021年4月1日から特許審査ハイウェイ(PPH)試行プログラムを開始した。アフリカ地域とのPPHの実施は、エジプト特許庁(EGPO)に次いで2庁目となる。

これにより、日本で特許可能と判断された出願については、出願人の申請により、モロッコにおいて簡易な手続で早期審査を受けることができる。日本企業のモロッコ進出が近年増加する中で、日本企業のモロッコにおける事業拡大の円滑化が期待される。

モロッコとのPPH試行プログラム開始により、日本国特許庁がPPHを締結した国・地域は46に上り、世界最多のPPHパートナー国・地域を有することになる。

日本国特許庁では、今後もPPHを通じて出願人の海外における迅速で安定的な権利取得を支援し、各国特許庁の審査結果の活用による審査の質の向上や審査負担の軽減に取り組んでいくとしている。

Revised Design Act Enforced on April 1, 2021 4月1日施行された改正意匠法

1: Management of extension of period for responding to notification of reasons for refusal issued in design registration application

The enforcement of Design Act revised in 2019 has made it possible to extend, by request, a period for responding to a notification of reasons for refusal (including that served by March 31, 2021) in which the last day of the response period falls on or after April 1, 2021.

(1) Request for extension of period made within response period

It is possible to extend, by request, the response period by 2 months, regardless of whether an applicant resides in or outside Japan, and regardless of the reason for the request. It is impossible to request the extension two or more times per response. The fee is 2,100 JPY.

(2) Request for extension of period made after elapse of response period

After the elapse of the response period but within 2 months of the day after the last day of the response period, it is possible to extend, by request, the response period by 2 months, regardless of whether an applicant resides in or outside Japan, and regardless of the reason for the request. (Note that this does not mean that the response period can be extended by 2 months from the date on which the request was made.) The fee is 7,200 JPY, which is comparatively high in cost than that for the request for extension of the period made within the response period. (In the case of responding to an order for consultation, the fee is 4,200 JPY.)

Management of the request for extension of the period made within the response period and the request for extension of the period made after the elapse of the response period is also applied to extension of a period for responding to notification of refusal in an international design registration application.

<Notes>

- In a case where the extension of the period within the response period is approved, the request for extension of the period cannot be made after the elapse of the response period.
- In a case where a Written Argument is filed within the initial response period, the request for extension of the period cannot be made after the elapse of the response period.

(3) Scope of application

A request for extension of periods for responding to an order for consultation, an invitation for amendment, a notification of reasons for dismissal, etc. can also be made as in the case of the request for extension of a period for responding to a notification of reasons for refusal. Note, however, that there is no change in management of extension of periods for responding to a notification of reasons for refusal, an order for consultation, an invitation for amendment, and a notification of reasons for dismissal, after a request for appeal against examiner's decision of refusal is made.

2: Examples of the Article etc. to the Design (Appended Tables 1 and 2 of the Former Ordinance for Enforcement of the Design Act)

Conventionally, in making a statement in the column of [Article to the Design] of an application, an applicant also needed to state "Classification of Articles" provided for by the Ordinance of the Ministry of Economy, Trade, and Industry. However, under the Design Act revised in 2019, an applicant now needs to make a statement in said column "as provided for by the Ordinance of the Ministry of Economy, Trade, and Industry". Thus, Appended Table 1 of the Ordinance for Enforcement of the Design Act that had listed "Classification of Articles" therein was abolished.

From April 1, 2021, an applicant needs to clearly state the article to the design, the usage of the building or graphic image to the design, the set of articles or the interior in the column of [Article to the Design].

Under the circumstances, the Design Examination Standards Office has prepared, as an appendix in the "Guide for making Applications and Drawings for Design Registration", the "Examples of the Article etc. to the Design" which is a table listing specific examples of the statement in the column of [Article to the Design]. In order that applicants can use the "Examples of the Article etc. to the Design" as a reference, an addition and deletion of article names, review of old terms and expressions, change of the listing order, etc. have been made in accordance with the previous "Appended Table 1". Note that examples of the set of articles are listed in "Appended Table" provided for by the Ordinance of the Ministry of Economy, Trade, and Industry.

"Examples of the Article etc. to the Design"

https://www.jpo.go.jp/system/laws/rule/guideline/design/document/is_hou_kisoku_betuhyo/beppyo-20210401.pdf

"Appended Table"

https://www.jpo.go.jp/system/laws/rule/guideline/design/document/is_hou_kisoku_betuhyo/beppyo-20210401.pdf

1 意匠登録出願における拒絶理由通知の応答期間の延長に関する運用

令和元年改正意匠法の施行に伴い、応答期間の末日が令和3年4月1日以後である拒絶理由通知(令和3年3月31日までに送達されたものを含む)について、請求によって応答期間を延長することができるようになった。

(1). 応答期間内に行う期間延長請求

出願人が国内居住者が在外者かを問わず、また請求理由に関わらず、請求によって応答期間を2か月延長することができる。一つの応答あたり2回以上の延長請求はできない。手数料は2,100円。

(2). 応答期間経過後に行う期間延長請求

応答期間の経過後であっても、応答期間の末日の翌日から2か月以内であれば、出願人が国内居住者が在外者かを問わず、また請求理由に関わらず、請求によって応答期間を2か月延長することができる。(請求の日から2か月ではないことに留意。)手数料は7,200円であり、応答期間内に行う期間延長請求より割高となる。(協議指令の応答の場合は、4,200円)

国際意匠登録出願における拒絶の通報の応答期間の延長についても、応答期間内に行う期間延長請求 及び応答期間経過後に行う期間延長請求の運用が適用される。

<注意>

- ・ 応答期間内に行う期間の延長が認められたときは、応答期間経過後の請求はできない。
- ・ 当初の応答期間内に意見書を提出した場合、応答期間経過後の請求はできない。

(3). 適用対象

協議指令、手続補正指令、却下理由通知等の応答期間についても、拒絶理由通知の応答期間と同様の延長請求ができる。しかし、拒絶査定不服審判請求後の拒絶理由通知、協議指令、手続補正指令及び却下理由通知の応答期間の延長については、運用の変更はない。

2 意匠に係る物品等の例(旧意匠法施行規則別表第一・別表第二)

従来、願書の【意匠に係る物品】は、経済産業省令で定める「物品の区分」を記載するよう規定されていたが、令和元年改正意匠法により、同欄は「経済産業省令で定めるとおり」記載することとなった。このため、「物品の区分」を提示していた意匠法施行規則別表第一は廃止された。

令和3年4月1日から、【意匠に係る物品】には、意匠に係る物品若しくは意匠に係る建築物若しくは画像の用途、組物又は内装が明確となるように記載することとなった。

このため、意匠審査基準室により、【意匠に係る物品】の記載の具体例が提示された「意匠に係る物品等の例」が「意匠登録出願の願書及び図面等の記載の手引き」の別添として作成された。出願人の参考になるように、従前の「別表第一」をもとに物品名の追加・削除、古い表記の見直し、掲載順の変更等を行ったものである。なお、組物については、経済産業省令で定めた「別表」に記載されている。

「意匠に係る物品等の例」

https://www.jpo.go.jp/system/laws/rule/guideline/design/document/ishou_ki_soku_betuhyo/beppyoyo-20210401.pdf

「別表」

https://www.jpo.go.jp/system/laws/rule/guideline/design/document/ishou_ki_soku_betuhyo/beppyoyo-20210401.pdf



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

Below are links to further IP information.

BIO IP Information バイオ知財情報	DX, IT IP Information DX, IT知財情報	IoT × AI Support Station IoT×AI支援室
Food & Medical Business Support Station 食品×医療支援室	Major & Emerging Economic Powers 諸外国知財情報	TPP IP Chapter TPP知財情報

Please visit our facebook pages below.

Our Legal Strategy Department on Facebook 法務戦略部Facebook

Our Legal Strategy Departments based in Osaka and Tokyo provide information on trademark applications, design applications, combating counterfeit goods etc. via Facebook. Please view our Facebook page for more details.

大阪・東京に拠点を置く法務戦略部のFacebookにて、商標出願・模倣品対策・意匠出願などの知財に関する情報を発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

HARAKENZO WORLD PATENT & TRADEMARK
特許業務法人HARAKENZO WORLD PATENT & TRADEMARK

Our Hiroshima Office on Facebook 広島事務所Facebook

Our Hiroshima Office's Facebook page provides useful services for Hiroshima prefecture and the rest of the Chugoku and Shikoku regions, with constant IP information updates. Please find us on Facebook.

広島事務所のFacebookにて、広島県を含む、中四国地域の皆様に有用と思われる知財情報を随時発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

HARAKENZO WORLD PATENT & TRADEMARK HIROSHIMA OFFICE
特許業務法人HARAKENZO WORLD PATENT & TRADEMARK 広島事務所



TOKYO HEAD OFFICE

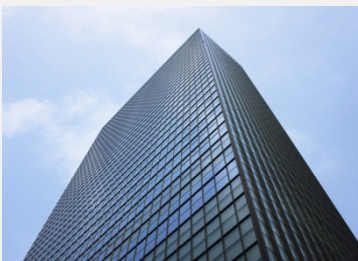
ADDRESS:
WORLD TRADE CENTER BLDG.
SOUTH TOWER 29F,
2-4-1, HAMAMATSU-CHO,
MINATO-KU, TOKYO 105-5129,
JAPAN

TELEPHONE:
+81-3-3433-5810
(Main Number)

FACSIMILE:
+81-3-3433-5281
(Main Number)

WEBSITE:
<http://www.harakenzo.com>
<http://trademark.ip-kenzo.com>
<http://design.ip-kenzo.com>
<http://www.intellelution.com>

E-MAIL:
iplaw-tyk@harakenzo.com



OSAKA HEAD OFFICE

ADDRESS:
DAIWA MINAMIMORIMACHI
BLDG.,
2-6, 2-CHOME-KITA,
TENJINBASHI, KITA-KU, OSAKA
530-0041, JAPAN

TELEPHONE:
+81-6-6351-4384
(Main Number)

FACSIMILE:
+81-6-6351-5664
(Main Number)

WEBSITE:
<http://www.harakenzo.com>
<http://trademark.ip-kenzo.com>
<http://design.ip-kenzo.com>
<http://www.intellelution.com>

E-MAIL:
iplaw-osk@harakenzo.com



OSAKA 2nd OFFICE

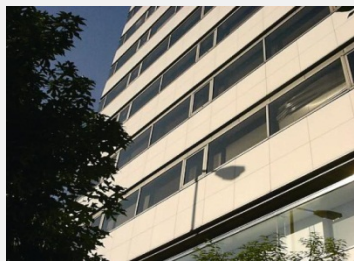
ADDRESS:
MITSUI SUMITOMO BANK
MINAMIMORIMACHI BLDG.,
1-29,
2-CHOME, MINAMIMORIMACHI,
KITA-KU, OSAKA 530-0054,
JAPAN

TELEPHONE:
+81-6-6351-4384
(Main Number)

FACSIMILE:
+81-6-6351-5664
(Main Number)

WEBSITE:
<http://www.harakenzo.com>
<http://trademark.ip-kenzo.com>
<http://design.ip-kenzo.com>
<http://www.intellelution.com>

E-MAIL:
iplaw-osk@harakenzo.com



HIROSHIMA OFFICE

ADDRESS:
NOMURA REAL ESTATE
HIROSHIMA BLDG. 4F
2-23, TATEMACHI, NAKA-KU,
HIROSHIMA 730-0032, JAPAN

TELEPHONE:
+81-82-545-3680
(Main Number)

FACSIMILE:
+81-82-243-4130
(Main Number)

WEBSITE:
<http://www.harakenzo.com>
<http://trademark.ip-kenzo.com>
<http://design.ip-kenzo.com>
<http://www.intellelution.com>

E-MAIL:
iplaw-hsm@harakenzo.com



NAGOYA OFFICE

ADDRESS:
GLOBAL GATE 9F, 4-60-12
HIRAIKE-CHO, NAKAMURA-KU,
NAGOYA-SHI, AICHI 453-6109,
JAPAN

TELEPHONE:
+81-52-589-2581
(Main Number)

FACSIMILE:
+81-52-589-2582
(Main Number)

WEBSITE:
<http://www.harakenzo.com>
<http://trademark.ip-kenzo.com>
<http://design.ip-kenzo.com>
<http://www.intellelution.com>

E-MAIL:
iplaw-ngy@harakenzo.com

