



# **2007 Revisions to Japanese Patent Law**



# Revision I

## Period for Filing Divisional Applications

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1. Before the law was revised, a Divisional Applications could not be filed after a Notice of Allowance
2. Patent attorneys drafted broader claims to receive at least one office action, and have a chance to file a Divisional Applications
3. After the 2007 Revisions, it will be possible to file Divisional Applications within 30 days of a Notice of Allowance



## **Revision II**

# **Restrictions to Divisional Applications**

1. Before the law was revised, a Divisional Applications were examined independently from Parent Applications, and the applicant received at least two Office Actions
2. Divisional Applications were misused by patent attorneys in order to prevent application from being granted a patent, and thereby change Examiners
3. After the 2007 Revisions, any notice regarding the same rejection for a divisional application will become the “Final” Office Action.
4. After the Final Office Action, only amendments that narrow the scope of a claim will be acceptable, and any broadening of the scope of a claim will be prohibited



## **Revision III**

# **Restriction to Amendments**

1. After filing a patent application, no introduction of any New Matter will be allowed
2. According to the revised law, claimed subject matter could be changed to different subject matter, and accordingly, an Examiner had to examine two applications
3. According to the revised law, after a First Office Action, an amendment for any change in subject matter must be made within the Unity of an invention
4. For example, the claimed invention of an “Antenna For A Portable Telephone” cannot be changed to a ” Hinge Device For A Portable Telephone”



## **Revision IV**

# **Period for Filing a Translation for a Foreign Language Application**

1. Before the law was revised, a Foreign Language Application was possible, and a Japanese translation had to be filed within 2 months of the filing date of the Foreign Language Application
2. Under the revised law, the period for filing a Japanese translation for a Foreign Language Application will be 14 months from the filing date or the priority date



## **Revision V**

# **Expansion of Infringement Acts**

1. Before the law was revised, importation of infringing products into Japan was included in the Infringement Acts, while exportation of infringing products out of Japan was excluded from the Infringement Acts
2. Under the revised law, exportation of the infringing products is included in the Infringement Acts and will be prohibited by Japanese custom houses