GUIDELINE

Procedures to file a request to the JPO (Japan Patent Office) for Patent Prosecution Highway Pilot Program

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the JPO and satisfies the following requirements under the TURKPATENT(Turkish Patent and Trademark Office) JPO Patent Prosecution Highway (PPH) pilot program based on the TURKPATENT application (Part I) or PCT international work products (Part II).

When filing a request for the PPH pilot program, an applicant must submit a PPH request form presented in “Example form of on-line procedures” of this guideline.

The PPH pilot program between TURKPATENT and JPO will commence on April 1st, 2018 and will end with mutual consent. The offices may terminate the PPH pilot program early if the volume of participation exceeds manageable level, or for any other reason. Ex Ante notice will be published if the PPH pilot program is terminated.

Part I
PPH using the national work products from the TURKPATENT

1. Requirements

(a) Both the JPO application on which PPH is requested and the TURKPATENT application(s) forming the basis of the PPH request shall have the same earliest date (whether this be a priority date or a filing date).

For example, the JPO application (including PCT national phase application) may be either:
(Case I) an application which validly claims priority under the Paris Convention from the TURKPATENT application(s) (examples are provided in ANNEX I, Figures A, B, C, H, I and J), or

(Case II) an application which provides the basis of a valid priority claim under the Paris Convention for the TURKPATENT application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures D and E), or

(Case III) an application which shares a common priority document with the TURKPATENT application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures F, G, L, M and N), or

(Case IV) a PCT national phase application where both the JPO application and the TURKPATENT application(s) are derived from a common PCT international application having no priority claim (an example is provided in ANNEX I, Figure K).

(b) At least one corresponding application exists in the TURKPATENT and has one or more claims that are determined to be patentable/allowable by the TURKPATENT.

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the TURKPATENT application which forms the basis of the priority claim (e.g., a divisional application of the TURKPATENT application or an application which claims domestic priority to the TURKPATENT application (see Figure C in Annex I)), or an TURKPATENT national phase application of a PCT application (see Figures K, M and N in Annex I).

Claims are “determined to be allowable/patentable” when the TURKPATENT examiner clearly identified the claims to be allowable/patentable in the latest office action, even if the application is not granted for patent yet. A claim determined as novel, inventive and industrially applicable by the TURKPATENT has the meaning of allowable/patentable for the purposes of this pilot program.

The office action includes:

(i) Search report

(ii) 1st, 2nd or 3rd notifications
(iii) Examination Report
(iv) Decision of grant
(v) Decision of Reexamination and Evaluation Board

1st, 2nd or 3rd notifications are the notifications of TURKPATENT to the applicant according to Article 98(3). In these notifications non-conformity of the application and the related invention with the provisions of the IP Law is notified to the applicant by following reasoned statements:

"Novelty (N)	Yes:	Claims
	No:	Claims
Inventive step (IS)	Yes:	Claims
	No:	Claims
Industrial applicability	Yes:	Claims
	No:	Claims"

For example, if one or more of the claim(s) are stated as "YES" for novelty, inventive and industrially applicability in one of the notifications of the TURKPATENT, those claims are clearly identified to be patentable/ allowable.

(c) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as allowable/patentable in the TURKPATENT.

Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the JPO are of the same or similar scope as the claims in the TURKPATENT, or the claims in the JPO are narrower in scope than the claims in the TURKPATENT. In this regard, a claim that is narrower in scope occurs when a TURKPATENT claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the JPO which introduces a new/different category of claims to those claims indicated as allowable in the TURKPATENT is not considered to sufficiently correspond. For example, where the TURKPATENT claims only contain claims to a process of manufacturing a product, then the claims in the JPO are not considered to sufficiently correspond if the JPO claims introduce product claims that are dependent on the corresponding process claims.

Any claims amended or added after the grant of the request for participation in the PPH pilot program need not sufficiently correspond to the claims indicated as allowable in the

TURKPATENT application.

(d) The JPO has not begun substantive examination of the application at the time of request for the PPH.

2. Documents to be submitted

Documents (a) to (d) below must be submitted by attaching to the PPH request form in filing a request under PPH.

Note that even when it is not needed to submit documents below, the name of the documents must be listed in PPH request form (Please refer to the Example form for the detail).

(a) Copies of all office actions (which are relevant to substantial examination for patentability in the TURKPATENT) which were issued for the corresponding application by the TURKPATENT and translations of them.

Either Japanese or English is acceptable as translation language[1].

(b) Copies of all claims determined to be patentable/allowable by the TURKPATENT and translations of them.

Either Japanese or English is acceptable as translation language.

(c) Copies of references cited by the TURKPATENT examiner

If the references are patent documents, the applicant doesn't have to submit them because the JPO usually possesses them. When the JPO does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted.

The translations of the references are unnecessary.

(d) Claim correspondence table

The applicant requesting PPH must submit a claim correspondence table, which indicates how all claims in the JPO application sufficiently correspond to the patentable/allowable claims in the TURKPATENT application.

When claims are just literal translation, the applicant can just write down that "they are the same" in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim.

[1] Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the applicant may be requested to resubmit translations.

When the applicant has already submitted above documents (a) to (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

3. Procedure for the accelerated examination under the PPH pilot program

The JPO decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated above. When the JPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. Before the issue of the notification of not assigning a special status for accelerated examination under the PPH, the applicant will be given opportunity to submit missing documents. Even after the issue of the notification of not assigning a special status for accelerated examination under the PPH, the applicant can request the PPH once again in a renewed request for participation.

If all requirements for accelerated examination under the PPH are met, the JPO will notify the applicant that the application has been allowed entry on to the PPH.

4. Example of PPH request form for filing request an accelerated examination under the PPH pilot program

(1) Circumstances

When an applicant files a request for an accelerated examination under the PPH pilot program to the JPO, an applicant must submit a request form “The Explanation of Circumstances Concerning Accelerated Examination” based on the procedure prescribed in “the Guidelines of the Accelerated Examination and Appeal"[2].

The applicant must indicate that the application is included in (Case I) to (Case IV) of 1. (a), and that the accelerated examination is requested under the PPH pilot program. The application number, publication number, or a patent number of the corresponding TURKPATENT application(s) also must be written.

*In the case that the application which has one or more claims that are determined to be patentable/allowable is different from the TURKPATENT application(s) included in(Case I) to

[2] http://www.jpo.go.jp/torikumi/t_torikumi/souki/pdf/v3souki/guideline.pdf

(Case IV) of 1. (a) (for example, the divisional application of the basic application), the application number, publication number, or a patent number of the application(s) which has claims determined to be patentable/allowable and the relationship between those applications also must be written.

(2) Documents to be submitted

The applicant must list all required documents mentioned above 2. in an identifiable way, even when applicant omits to submit certain documents.

(3) Notice

Forms of “The Explanation of Circumstances Concerning Accelerated Examination” are different between on-line procedure and paper procedure. Please refer to the examples of forms when filling in (“Form 1 for Accelerated Examination” for on-line procedures, and “Form 2 for Accelerated Examination” for paper procedures.).

Part II
PPH using the PCT international work products from the TURKPATENT (PCT-PPH)

1. Requirements

The application which is filed with the JPO and on which the applicant files a request under the PCT-PPH must satisfy the following requirements:

(1) The latest work product in the international phase of a PCT application corresponding to the application ("international work product"), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as patentable/allowable (from the aspect of novelty, inventive steps and industrial applicability).

Note that the ISA and the IPEA which produced the WO/ISA, WO/IPEA and the IPER are limited to the TURKPATENT, but, if priority is claimed, the priority claim can be to an application in any Office, see example (A') in Annex II (application ZZ can be any national application).

The applicant cannot file a request under PCT-PPH on the basis of an International Search Report (ISR) only.

In case any observation is described in Box VIII of WO/ISA, WO/IPEA or IPER which forms the basis of a PCT-PPH request, the applicant must explain why the claim(s) is/are not subject to the observation irrespective of whether or not an amendment is submitted to correct the observation noted in Box VIII. The application will not be eligible for participating in PCT-PPH pilot program if the applicant does not explain why the claim(s) is/are not subject to the observation. In this regard, however, it does not affect the decision on the eligibility of the application whether the explanation is adequate and/or whether the amendment submitted overcomes the observation noted in Box VIII.

(2) The relationship between the application and the corresponding international application satisfies one of the following requirements:

(Case I) The application is a national phase application of the corresponding international application. (See Figures (A), (A'), and (A") in Annex II)

(Case II)The application is a national application as a basis of the priority claim of the corresponding international application. (See Figure (B) in Annex II)

(Case III) The application is a national phase application of an international application

claiming priority from the corresponding international application. (See Figure (C) in Annex II)

(Case IV) The application is a national application claiming foreign priority from the corresponding international application. (See Figure (D) in Annex II)

(Case V) The application is the derivative application (divisional application and application claiming priority etc.) of the application which satisfies one of the above requirements (Case I) – (Case IV). (See Figures (E1) and (E2) in Annex II)

(3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated as allowable in the latest international work product of the corresponding international application.

Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the JPO are of the same or similar scope as the claims indicated as allowable in the latest international work product, or the claims in the JPO are narrower in scope than the claims indicated as allowable in the latest international work product.

In this regard, a claim that is narrower in scope occurs when a claim indicated as allowable in the latest international work product is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the JPO which introduces a new/different category of claims to those claims indicated as allowable in the latest international work product is not considered to sufficiently correspond. For example, where the claims indicated as allowable in the latest international work product only contain claims to a process of manufacturing a product, then the claims in the JPO are not considered to sufficiently correspond if the JPO claims introduce product claims that are dependent on the corresponding process claims.

Any claims amended or added after the grant of the request for participation in the PCT-PPH pilot program must sufficiently correspond to the claims indicated as allowable in the latest international work product.

(4) Substantive examination of the JPO application for which participation in the PPH is requested has not begun.

2. Documents to be submitted

Documents (1) to (4) below must be submitted by attaching to the PPH request form in filing a request under PPH.

Note that even when it is not needed to submit documents below, the name of the documents

must be listed in PPH request form (Please refer to the Example form for the detail).

(1) A copy of the latest international work product which indicated the claims to be patentable/allowable and translations of them[3].

Either Japanese or English is acceptable as translation language. If the copy of the latest international work product is available in English via "PATENTSCOPE (registered trademark)"[4], an applicant need not submit these documents unless otherwise requested by the JPO (WO/ISA and IPER are usually available as "IPRP Chapter I" and "IPRP Chapter II" respectively in 30 months after the priority date).

(2) A copy of a set of claims which the latest international work product of the corresponding international application indicated to be patentable/allowable and translations of them.

Either Japanese or English is acceptable as translation language. If the copy of the set of claims which are indicated to be patentable/allowable is available in English via "PATENTSCOPE (registered trademark)" (e.g. the international Patent Gazette has been published), an applicant need not submit this document unless otherwise requested by the JPO.

(3) A copy of references cited in the latest international work product of the international application corresponding to the application.

If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it. Non-patent literature must always be submitted. Translations of cited references are unnecessary.

(4) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be patentable/allowable.

When claims are just literal translation, the applicant can just write down that "they are the same" in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim.

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[3] Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

[4] http://www.wipo.int/pctdb/en/index.jsp

When an applicant has already submitted the above mentioned documents (1) - (4) to JPO the through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.

3. Procedure for the accelerated examination under the PPH pilot program

The JPO decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated above. When the JPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

If all requirements for accelerated examination under the PPH are met, the JPO will notify the applicant that the application has been allowed entry on to the PPH.

4. Example of PPH request form for filing request an accelerated examination under the PPH pilot program

(1) Circumstances

When an applicant files a request for an accelerated examination under the PPH pilot program to the JPO, an applicant must submit a request form “The Explanation of Circumstances Concerning Accelerated Examination” based on the procedure prescribed in “the Guidelines of the Accelerated Examination and Appeal"[5].

The applicant must indicate that the application is included in (Case I) to (Case V) of 1. (2), and that the accelerated examination is requested under the PPH pilot program. The application number, publication number, or a patent number of the corresponding TURKPATENT application(s) also must be written.

(2) Documents to be submitted

The applicant must list all required documents mentioned above 2. in an identifiable way, even when applicant omits to submit certain documents.

(3) Notice

Forms of “The Explanation of Circumstances Concerning Accelerated Examination” are different between on-line procedure and paper procedure. Please refer to the examples of forms when filling in (“Form 1 for Accelerated Examination” for on-line procedures, and “Form 2 for Accelerated

[5] http://www.jpo.go.jp/torikumi/t_torikumi/souki/pdf/v3souki/guideline.pdf

Examination” for paper procedures.).

Example form of on-line procedures

(Example of the PPH request form based on the claims indicated patentable/allowable in the written opinion of the report on the state of the art)

【書類名】　早期審査に関する事情説明書
The name of this paper
【提出日】　平成00年00月00日
Date of filing
【あて先】　特許庁長官殿
Destination
【事件の表示】
【出願番号】　特願 0000－000000
Application number
【提出者】
【識別番号】　000000000
【住所又は居所】　〇〇県〇〇市〇丁目
【氏名又は名称】　〇〇〇〇〇
The name and address of who submit this
【代理人】
【識別番号】　000000000
【住所又は居所】　〇〇県〇〇市〇丁目
【氏名又は名称】　〇〇　〇〇
The name and address of the attorney

Bibliographical items

【早期審査に関する事情説明】
The explanation of circumstances concerning accelerated examination

1．事情
本出願はトルコ特許商標庁への出願（特許出願番号00000000）をパリ条約に基づく優先権の基礎出願とする出願であり、特許審査ハイウェイ試行プログラムに基づく早期審査の申請を行うものである。

1. Circumstances
This application is an application validly claiming the priority under the Paris Convention to the corresponding TURKPATENT application (the application number is 000000000), and the accelerated examination is requested under the PPH pilot program.

以下において、「引用非特許文献１」とは、「村岡洋一著、「コンピュータサイエンス大学講座（第11巻）コンピュータ・アーキテクチャ」、第２版、株式会社近代科学者、1985年11月、p. 123－127」である。

In what follows, “non-patent literature1” is “Yoichi Muraoka, Lecture of Computer Science (vol.11) computer architecture, 2nd edition, Scientist com, Nov. 1985, p.123-127.”

If the name of the document is long (over than 50 letters), it is impossible to write it down directly to the column “【物件名】.” Please write down the full name of the document in the column “【早期審査に関する事情説明】” and name it properly. Then write the name in the column “【物件名】.”

（提出を省略する物件）
（物件名） 対応トルコ出願に対して引用されたドイツ出願公開OOOOO号公報
（物件名） 対応トルコ出願に対して引用された日本国特許第OOOOO号公報

List up the documents which can be omitted to submit

(Documents to be omitted to submit)
(The name of the document) Cited reference of the corresponding TURKPATENT application: German Publication of application 0000000
(The name of the document) Cited reference of the corresponding TURKPATENT application: Japan Patent publication of application 0000000

List up the documents to be submitted

【提出物件の目録】
The list of submitted documents

【物件名】 対応トルコ出願と本出願の請求項の対応関係を示す書面 1
【物件名】 対応トルコ出願に対する**年**月**日付の拒絶理由通知書及びその翻訳文 1
【物件名】 対応トルコ出願に対する**年**月**日付の特許査定およびその翻訳文 1
【物件名】 対応トルコ出願で特許可能と判断された請求項の写し及びその翻訳文 1
【物件名】 引用非特許文献 1

(The name of the document) The table to explain how the claims indicated as allowable in the TURKPATENT sufficiently correspond to the claims in the JPO application 1
(The name of the document) Copy and translation of Notification of Reasons for Refusal in the TURKPATENT on (date) 1
(The name of the document) Copy and translation of grant in the TURKPATENT on (date) 1
(The name of the document) Copy and translation of the claims indicated patentable in the report on the state of the art and written opinion in the TURKPATENT on (date) 1
(The name of the document) Cited non patent literature 1

Use the same name as “【物件名】” under “【提出物件の目録】.”

Attach the document here as image file or text.

【添付物件】

The list of attached documents

【物件名】トルコ出願と本出願の請求項の対応関係を示す書面

The table to explain how the claims indicated as allowable in the TURKPATENT sufficiently correspond to the claims in the JPO application

【内容】

本出願の請求項 The claim in the JPO	トルコで特許可能とされた請求項 The patentable claim in the TURKPATENT	対応関係に関するコメント Comments about the correspondence
1	1	両クレームは同一である。 Both claims are the same.
2	2	〃
3	1	両クレームは、記載形式を除き同一である。 Both claims are the same except the claim format.
4	2	〃
5	1	請求項５は、対応トルコ出願の請求項１にＡという技術的特徴を付加したものである。 Claim 5 in the JPO has additional feature A on the Claim 1 in the TURKPATENT

【物件名】 対応トルコ出願に対する**年**月**日付の拒絶理由通知書及びその翻訳文 1

Copy and translation of Notification of Reasons for Refusal in the TURKPATENT on (date)

【内容】 Attach the copy of the document.

Use the same name as “【物件名】” under “【提出物件の目録】.”

【物件名】 対応トルコ出願に対する**年**月**日付の特許査定およびその翻訳文 1

Copy and translation of grant in the TURKPATENT on (date)

【内容】 Attach the copy of the document.

【物件名】 対応トルコ出願で特許可能と判断された請求項の写し及びその翻訳文　1

Copy and translation of the claims indicated patentable in the report on the state of the art and written opinion in the TURKPATENT on (date)　1

【内容】

Attach the copy of the document.

【物件名】 引用非特許文献1

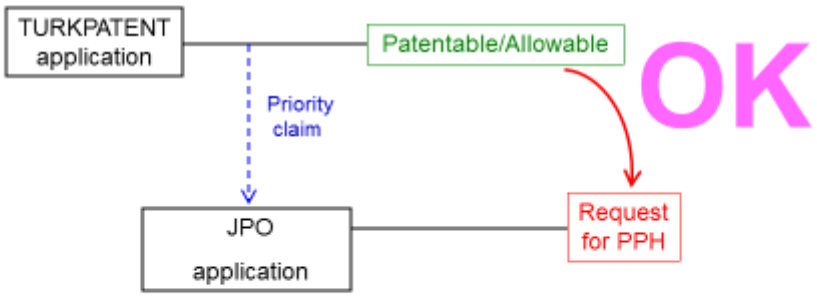
Cited non－patent literature1

【内容】

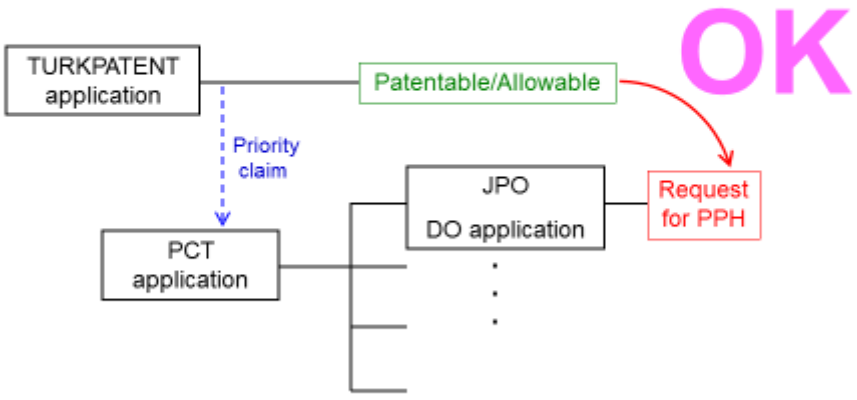
Attach the copy of the document.

Note that in the case of paper procedure, the pendency period (the period between the request for PPH and the first office action) tends to be longer than on-line procedure.

A case meeting requirement (a) (I) - Paris route -

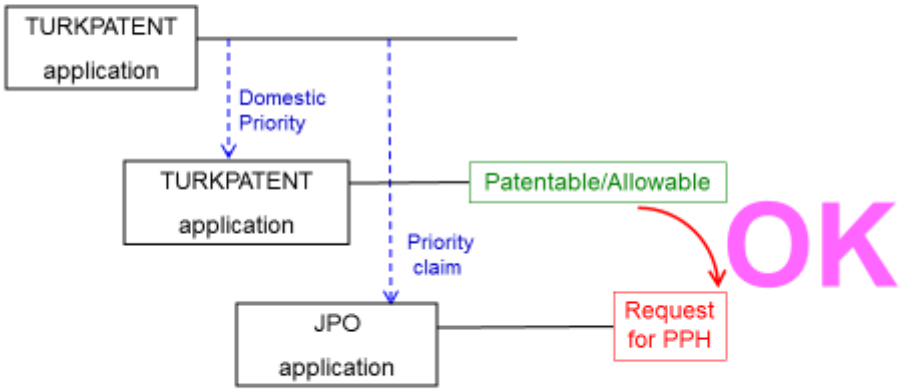


A case meeting requirement (a) (I) - PCT route -



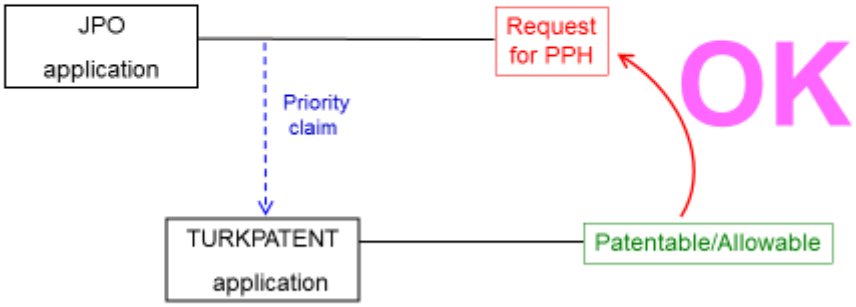
C A case meeting requirement (a) (I)

- PCT route, Domestic priority -

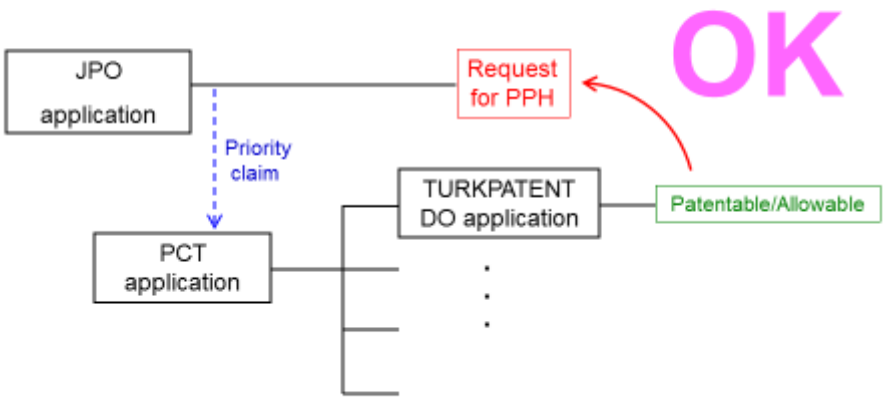


D A case meeting requirement (a) (II)

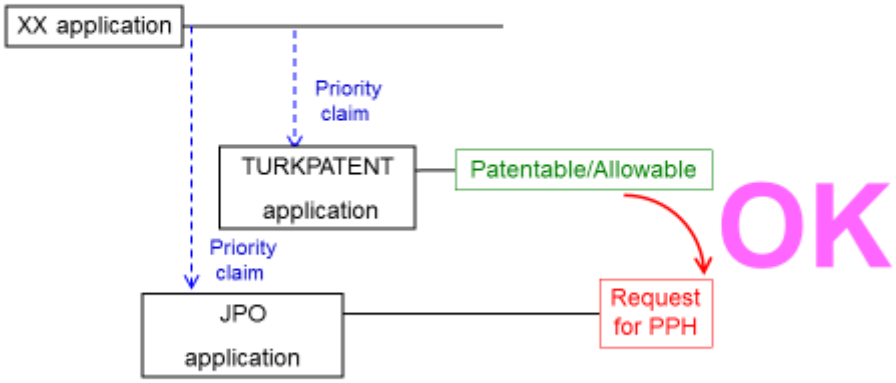
- Paris route -



E A case meeting requirement (a) (II)
- PCT route -



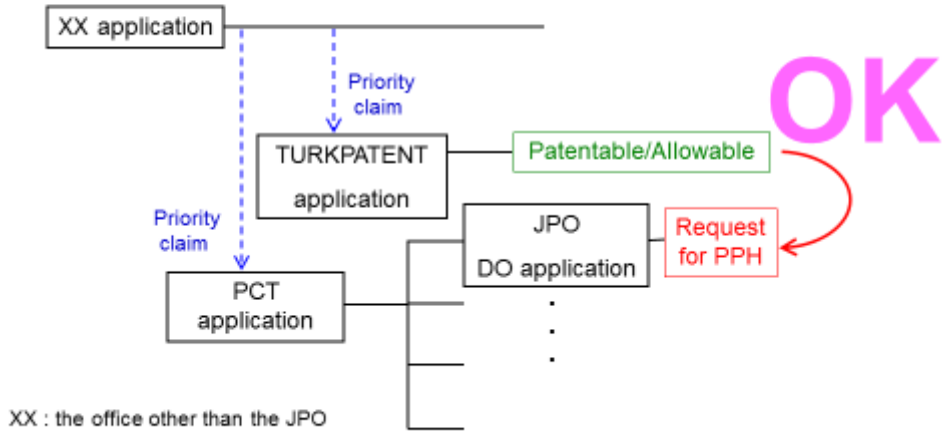
F A case meeting requirement (a) (III)
- Paris route, but the first application is from the third country -



XX : the office other than the JPO

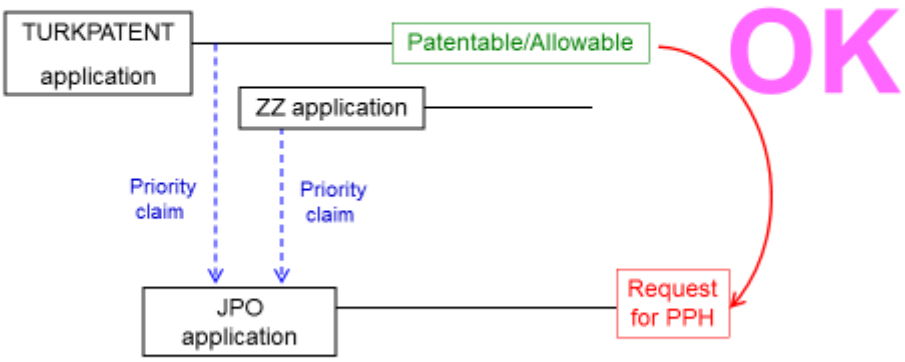
G A case meeting requirement (a) (III)

- PCT route, but the first application is from the third country -

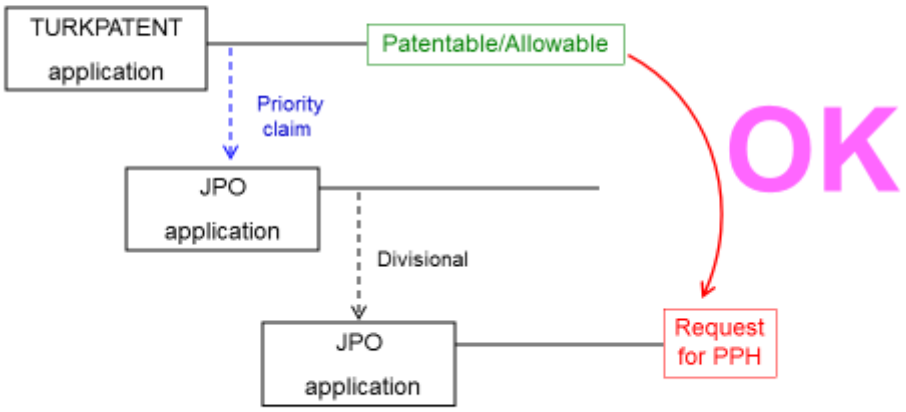


H A case meeting requirement (a) (I)

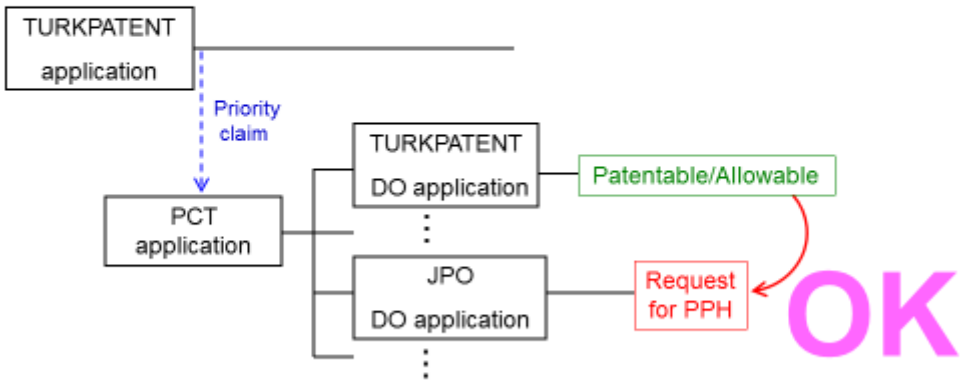
- Paris route & Complex priority -



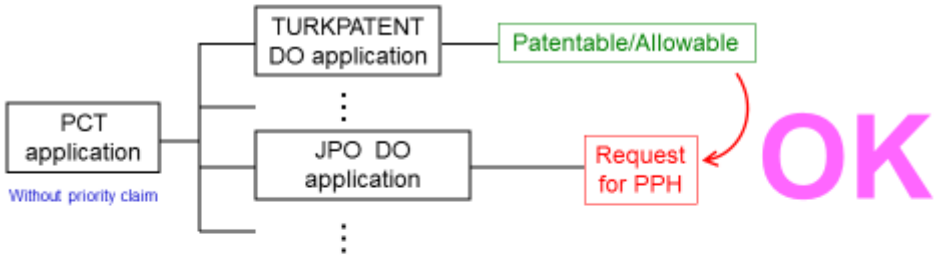
I A case meeting requirement (a) (I)
- Paris route & divisional application -



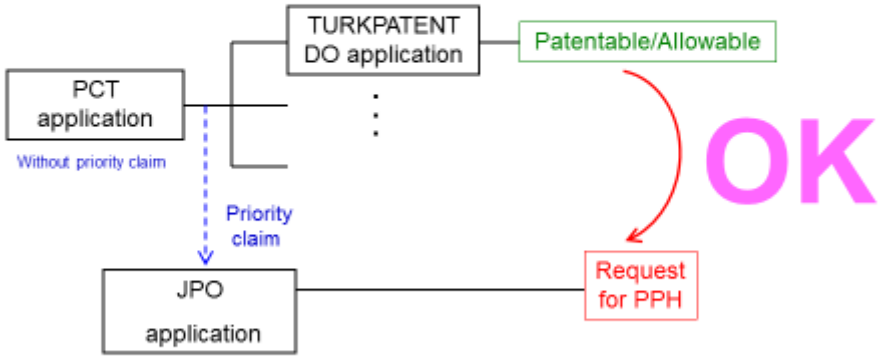
J A case meeting requirement (a) (I)
- PCT route -



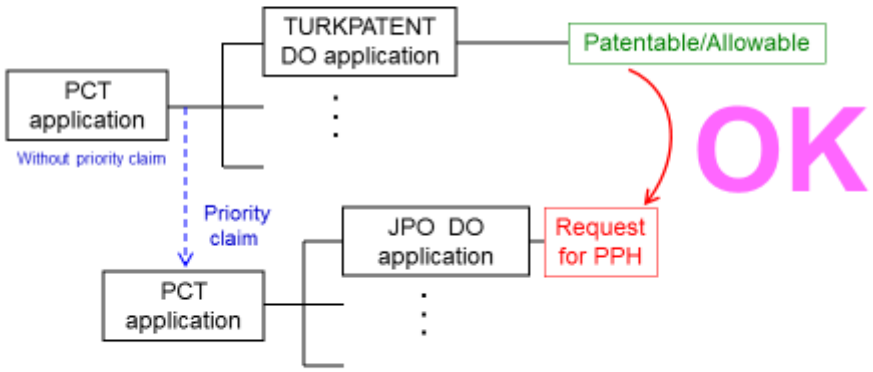
K A case meeting requirement (a) (IV)
- Direct PCT route -



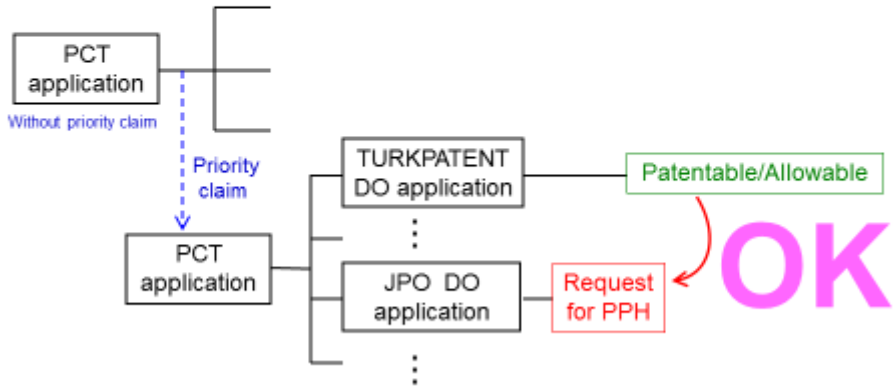
L A case meeting requirement (a) (III)
- Direct PCT & Paris route -



M A case meeting requirement (a) (III)
- Direct PCT & PCT route -

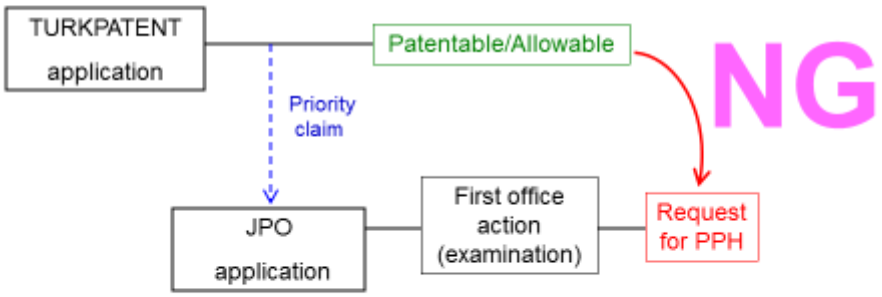


N A case meeting requirement (a) (III)
- Direct PCT & PCT route -

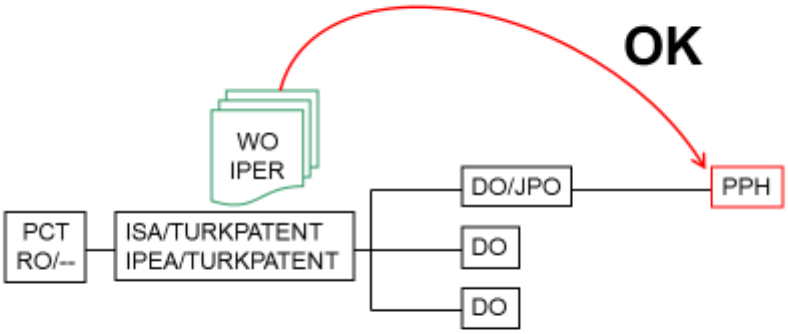


O A case not meeting requirement (d)

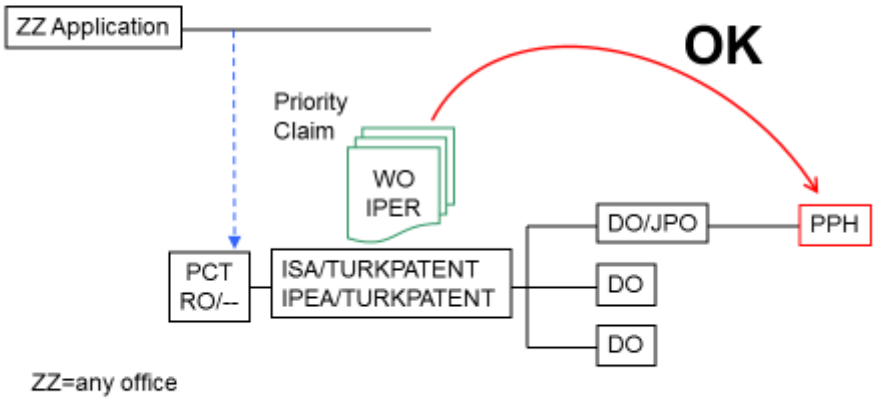
- Examination has begun before a request for PPH -



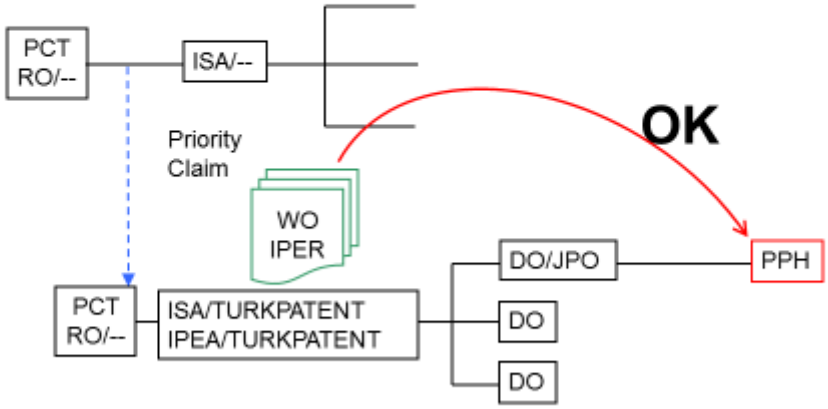
(A) The application is a national phase application of the corresponding international application.



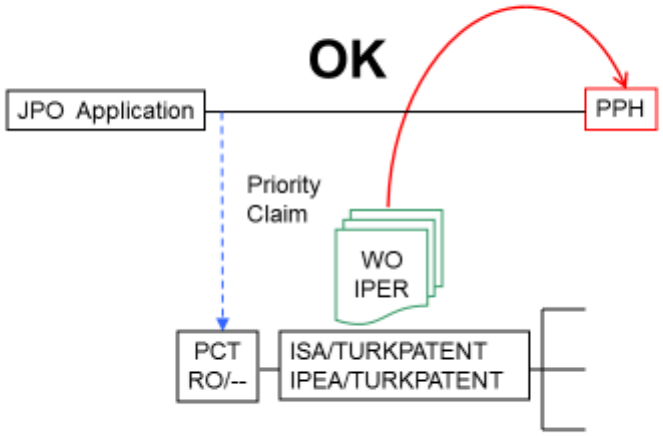
(A') The application is a national phase application of the corresponding international application.
(The corresponding international application claims priority from a national application.)



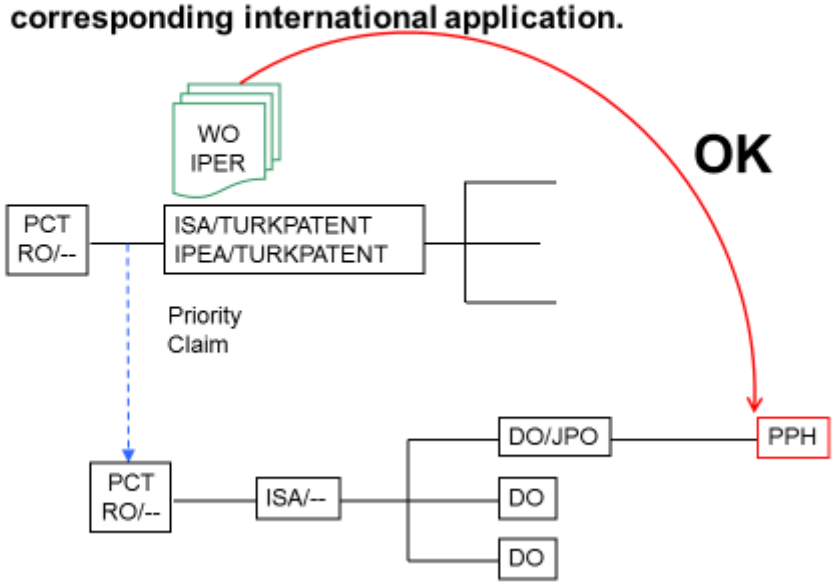
(A") The application is a national phase application of the corresponding international application.
(The corresponding international application claims priority from an international application.)



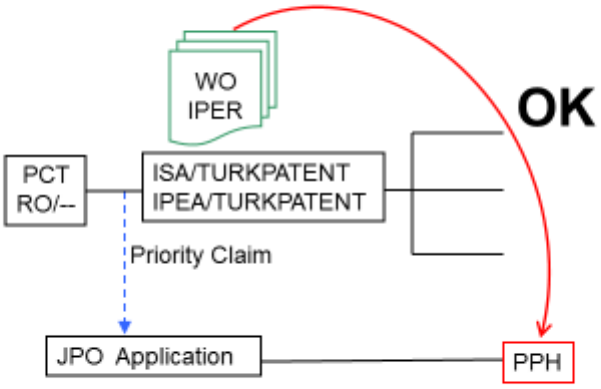
(B) The application is a national application as a basis of the priority claim of the corresponding international application.



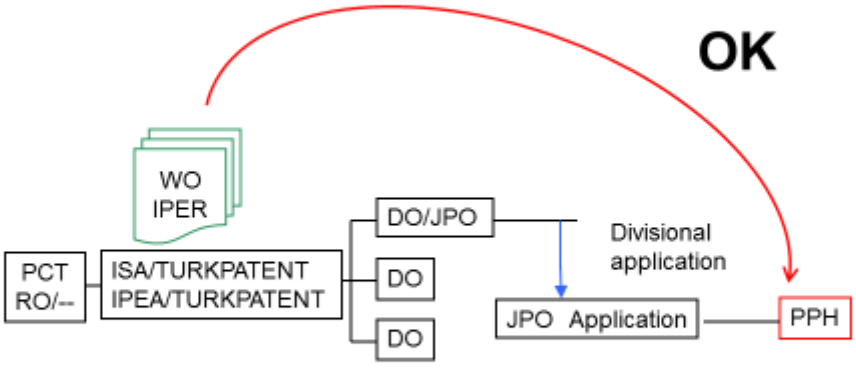
(C) The application is a national phase application of an international application claiming priority from the corresponding international application.



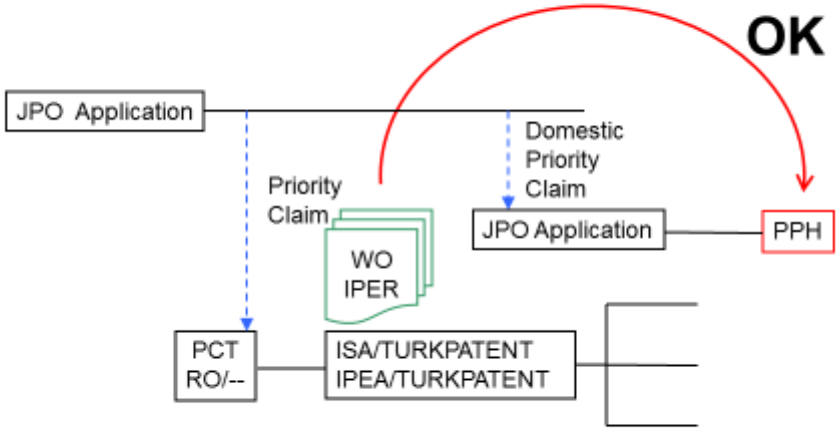
(D) The application is a national application claiming foreign/domestic priority from the corresponding international application.



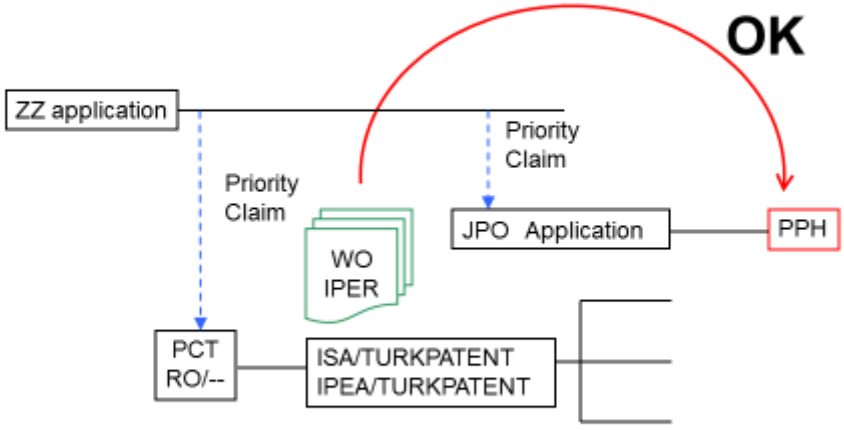
(E1) The application is a divisional application of an application which satisfies the requirement (A).



(E2) The application is an application claiming domestic priority from an application which satisfies the requirement (B).



(E3) The application is an application claiming priority from an application which satisfies the requirement (B).



ZZ : any office