



JAPAN PATENT ATTORNEYS ASSOCIATION

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Via email

Attn: Mr. TIAN Lipu
Commissioner
State Intellectual Property Office of the People's
Republic of China

January 13, 2012

Re: Submission to the Request for Comments on 专利申请优先审查管理办法

Dear Sirs:

The Japan Patent Attorneys Association or JPAA is a professional association of more than 9,000 patent attorneys practicing in all aspects of intellectual property laws in Japan.

JPAA submits the following comments on 专利申请优先审查管理办法.

As to Article 4 (4), it is requested that the subject of the accelerated examination not be limited to the "first" application filed in China. It should be noted that, under the accelerated examination system in Japan, any patent applications filed by foreign applicants benefit from the accelerated examination under certain conditions, even if they are not the first application in the patent family. For example, when a Chinese applicant files a Japanese patent application based on a Chinese patent application previously filed in China, the applicant can enjoy the benefit of an accelerated examination. Therefore, Article 4 (4) should be revised so that the Chinese accelerated examination system is reciprocally available for at least applicants in countries that have an accelerated examination system similar to the Japanese system, even if the Chinese application is not the first one.

As to Article 7 (1), it is requested that an applicant of an application under Article 4 (4) be exempt from submitting the documents set forth in the currently proposed Article 7 (1) because such documents are not available for foreign applicants.



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Regarding Article 7 (2), it is requested that any Search Report issued by any search authority in any other foreign countries or jurisdictions be accepted as well as the search report set forth in the currently proposed Article 7(2).

JPAA appreciates the opportunity to provide these comments and would be pleased to answer any questions these comments may raise.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Shoichi Okuyama". The signature is fluid and cursive, with a long, sweeping tail on the last name.

Dr. Shoichi Okuyama
President,
Japan Patent Attorneys Association