

Utility Model Law Enforcement Order

(Cabinet Order No. 17 of March 8, 1960)

Final Revision: Cabinet Order No. 370 of December 2, 2011

(Enforcement Regulations not enforced until final revision)

Cabinet Order No. 370 of December 2, 2011 (Unenforced)

The Cabinet shall establish this Cabinet Order on the basis of the provisions of the Utility Model Law (Act No. 123 of 1959) and for implementing the Utility Model Law.

(Time Limit for Amending a Procedure)

Article 1. The time limit specified by Cabinet Order under the provision of Article 2-bis, paragraph 1 of the Utility Model Law (Hereinafter, referred to as "the Law") shall be one month.
(Special Provisions Concerning an International Application Deemed to be Utility Model Registration Application by Decision)

Article 2. The terms to be technically replaced under the provision of Article 48-sedecies, paragraph 6 of the Law shall be as in the following table.

Provisions whose terms are to be replaced	Term or phrase to be replaced	Term or phrase to be used as replacement
Article 48-sexies, paragraph 1 and paragraph 2 of the Law, and Article 48-septies, paragraph 1 of the Law	International filing date	the day which would be accorded as the international filing date under Article 48-sedies, paragraph 4

Article 48-octies, paragraph 3 of the Law, Article 48-decies, paragraph 3 of the Law, and Article 48-terdecies(2) of the Law	International filing date of Article 48-quarter, paragraph 1	
Article 48-quarter decies of the Law	International filing date of the same paragraph	
Article 48-septies, paragraph 1 and paragraph 2 of the Law	no later than the date on which the national processing standard time occurs	Within the time limit specified by the Ministry of Economy, Trade and Industry
Article 48-novies of the Law and Article 48-decies, paragraph 4 of the Law	Article 48-quarter, paragraph 1 or	the day which would be accorded as the international filing date under Article 48-sedecies, paragraph 4 or
Article 48-decies, paragraph 1 of the Law	and the provisions of Article 9, paragraph 2	the provisions of
Article 48-decies, paragraph 4 of the Law	and, "the laid-open publication" shall read "or the international publication under Article 21 of the Patent Cooperation Treaty signed in Washington on June 19, 1970."	and
	Article 48-quarter,	at the time of a

	paragraph 4 or	decision under Article 48-sedcies, paragraph 4 or
	Article 48-quarter, paragraph 1 or	the day which would be accorded as the international filing date under Article 48-sedecies, paragraph 4 or
Article 48-duodecies of the Law	within the time limit for the Submission of National Documents under Article 48-quarter, paragraph 1 (in the case where national processing was requested under paragraph 4 of the same Article, no later than the time on which the request for national processing was made)	within the time limit specified by Ministry of Economy, Trade and Industry from the date of the decision under Article 48-sedecies, paragraph 4
Article 48-terdecies of the Law	after the national processing standard time under Article 48-quarter, paragraph 4 has lapsed	after the decision under Article 48-sedecies, paragraph 4
Article 48-quarter decies of the Law	foreign language Utility Model Registration Application of Article 48-quarter, paragraph 1	international application in foreign language
Article 184-novies,	An international patent	an application for

<p>paragraph 6 of the Patent Law (Act No. 121 of 1959)</p>	<p>application for which the establishment of a patent right has been registered or an internal patent application for which the international publication has been effected</p>	<p>which the establishment of a utility model right has been registered</p>
<p>Article 184-duodecies, paragraph 1 of the Patent Law</p>	<p>in the case of a Japanese language patent application, after the procedure under Article 184-quinquies, paragraph 1 has been taken and the fee to be paid under Article 195, paragraph 2 has been paid, and, in the case of a foreign language patent application, after the procedures under Article 184-quarter, paragraph 1 and Article 184-quinquies, paragraph 1 have been taken, and the fee to be paid under Article 195, paragraph 2 has been paid, and after the national processing standard time has lapsed</p>	<p>after the decision under Article 48-sedecies, paragraph 4 of the Utility Model Law has been made</p>
<p>Article 184-quarter decies of the Patent Law</p>	<p>after that day on which the national processing standard time occurs</p>	

(Exemption or Deferment of Registration Fees)

Article 3. A person who requests a reduction or exemption of patent fees or a deferment of the registration fees under Article 32-bis of the Law shall submit a written application stating the following matters to the Director General of Patent Office.

- (1) The name and domicile or address of the applicant
- (2) Indication of the Utility Model Registration Application
- (3) Reasons that a reduction or exemption of registration fees or a deferment of the payments is necessary

2. Where the reasons reside in the fact that the applicant receives assistance under the items of the Public Assistance Act (Act No. 144 of 1950) Article 11, paragraph 1, the documents of item 1 shall be attached to the written application of the preceding paragraph, and where the reasons reside in other facts, the documents of item 2 shall be attached.

- (1) a document certifying that the applicant receives the assistance
- (2) a certificate of tax payment concerning income tax or a document certifying the facts

3. A reduction or exemption of registration fees under Article 32-bis of the Law may be granted, only when it is found to be extremely difficult to pay the registration fees within the grace period in which the payment of registration fees is deferred under the following paragraph.

4. The grace period in which the payment of registration fees may be deferred under the provision of Article 32-bis of the Law shall be three years from the day of the lapse of the time limit in which the registration fees are payable.

(Application Mutatis Mutandis of the Patent Law Enforcement Order)

Article 4. The provisions of Article 1 of the Patent Law Enforcement Order (Special Provisions of Procedures for Overseas Residents) shall apply mutatis mutandis to a Utility Model registration application, requests, or other procedures relating to a utility model registration.

2. The provisions of Chapter Three of the Patent Law Enforcement Order (Qualifications of Examiners, Trial Examiners, and Trial

Clerks) shall apply mutatis mutandis to the qualifications of the Examiners, Trial Examiners, and Trial Clerks.

3. The provisions of Chapter Four of the Patent Law Enforcement Order (Industrial Property Council) shall apply mutatis mutandis to the procedures for arbitration regarding a registered utility model.
4. The provisions of Article 18, paragraph 1, item 1 and item 2 of the Patent Law Enforcement Order (Information having a risk of damaging the profit of non-exclusive licensees, etc., by disclosure) and Article 19, paragraph 1 (Case when a person with an interest regarding a non-exclusive license, etc., makes a request for a part in which the person has an interest as an exception to restrictions of certification, etc) shall apply mutatis mutandis to the utility model registration.