

### PPH permanent program between Taiwan and Japan effective from May 1, 2020

According to the memorandum signed between Taiwan and Japan in October 2019, the Patent Prosecution Highway (PPH) program on a permanent basis is set to be implemented on May 1, 2020.

PPH pilot program was first launched by Taiwan Intellectual Property Office (TIPO) and Japan Patent Office (JPO) on May 1, 2012 for a trial period of 2 years. It was then extended and modified to PPH MOTTAINAI in 2014, so that the same invention patent application filed in both TIPO and JPO, containing claims that allowable either by TIPO or JPO, shall qualify for a PPH request of the corresponding patent application in Taiwan or Japan. Such pilot PPH MOTTAINAI program between TIPO and JPO was further extended for three years in 2017 until April 30, 2020.

Per TIPO's statistics on PPH cases, there are 3,426 cases using TIPO-JPO PPH program from May 2012 to March 2020, which appears to be the highest number of PPH cases filed in TIPO, among all current bilateral PPH programs between Taiwan and foreign countries. As the TIPO-JPO PPH pilot program has achieved high efficiency in patent examination process, both TIPO and JPO decide to fully implement the PPH program on a permanent basis from May 1, 2020. Therefore, upon the expiry of the trial period, the applicant can continue to use the PPH fast-track examination program with basically the same procedure and requirements.

Also, PPH statistics published by TIPO show that the average pendency times for issuing the first notice (of examination opinion) and disposal (acceptance or rejection) are 51.9 days (about 1.73 months) and 122.5 days (about 4.08 months), respectively. Per TIPO's statistics on patent filings in 2019, such average pendency times for a normal invention application without utilizing PPH program are 8.4 months and 13.6 months, respectively. Therefore the applicant can take advantage of filing a PPH request for an invention application if it has met PPH requirements, in order to accelerate the examination process and obtain patent protection as soon as possible.