



# NEWSLETTER

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## Operational Directions Governing Deferral Substantive Examination for Taiwan Patent Applications Amended and Implemented on January 1, 2026

The Taiwan Intellectual Property Office (TIPO) has amended "Operational Directions Governing Deferral Substantive Examination of Invention and Design Patent Applications," effective from January 1, 2026. The highlights of the amendments include: 1) **Relaxing the time limit for filing and continuing deferred substantive examination applications, by extending the period from three years to five years for invention patent applications, and from one year to two years for design patent applications;** 2) **Limiting each patent application to one request for deferred examination;** 3) Specifying the basis for refusing to accept or terminating requests for deferred substantive examination. Key points for the Taiwan deferral substantive examination are summarized in the table below.

Key Points	Invention Patent Application	Design Patent Application
Timeframe for filing a deferral request	The patent applicant may file the request before the first examination opinion is received during the primary examination or re-examination stage.	The patent applicant may file the request before the first examination opinion is received during the primary examination or re-examination stage.
Only one deferral request permitted (new rule in 2026)	<b>The deferral request for substantive examination can be filed only once per patent application</b> (for example, if a deferral request has already been filed during the primary examination stage, the request cannot be filed again during the re-examination stage).	<b>The deferral request for substantive examination can be filed only once per patent application</b> (for example, if a deferral request has already been filed during the primary examination stage, the request cannot be filed again during the re-examination stage).

(continued)

Key Points	Invention Patent Application	Design Patent Application
Non-applicable cases	<ul style="list-style-type: none"> <li>- The patent application has requested substantive examination by a third party.</li> <li>- Preferential examination, AEP expedited examination, or PPH examination has been requested.</li> <li>- <b>Five years (extended from three years after amendment in 2026) has passed after the patent application date.</b></li> </ul>	<ul style="list-style-type: none"> <li>- A request for expedited examination has been filed.</li> <li>- <b>Two years (extended from one year after amendment in 2026) have passed after the patent application date.</b></li> </ul>
Official fees	nil	nil
Date of resumption for substantive examination	The deferral request should specify a date for resuming and continuing the substantive examination, which must be within the above five-year period (extended from three years after amendment in 2026).	The deferral request should specify a date for resuming and continuing the substantive examination, which must be within the above two-year period (extended from one year after amendment in 2026).
Withdrawal of request or change of resumption date	After requesting deferred substantive examination, the applicant may withdraw the deferral request or change the date for resuming and continuing substantive examination.	
Dismissal or Termination (new rule in 2026)	The TIPO may dismiss a deferral request or terminate the deferred substantive examination procedure if there is a significant potential impact on public interest or interests of third parties.	

In practice, when an invention or design patent application has been allowed after the substantive examination, the applicant may apply for a deferment of publication for a period of one to six months (no additional official fees) at the same time as paying the required fees for issuance of the Letters Patent, within three months of receiving the Notice of Allowance. However, the invention patent shall be laid open after 18 months from the application date (or priority date), regardless of whether a request for substantive examination or a request for deferred substantive examination has been filed. ※