

Operational Directions Governing Electronic Exchange of Priority Document between the Taiwan Intellectual Property Office and the Japan Patent Office

Promulgated on November 18, 2013; entered into force on December 2, 2013.

1. In the implementation of the provision set forth in Paragraph 3, Article 26 of the Enforcement Rules of the Patent Act, these Operational Directions are formulated to strengthen cooperation between Taiwan and Japan, to provide convenience for applicants to claim priority, and to enhance examination efficiency.
2. The Priority Document Exchange (PDX) Program refers to obtaining of priority document by means of electronic exchange between the Taiwan Intellectual Property Office (hereinafter referred to as "TIPO") and the Japan Patent Office (hereinafter referred to as "JPO") in the form of mutual cooperation.

The so-called patent in these Operational Directions refers only to invention patent and utility model patent but not to design patent.

3. The terms used in these Operational Directions are defined as follows:
 - (1) Office of First Filing (OFF): the office where an applicant first files a patent application that serves as the basis for a priority claim.
 - (2) Office of Second Filing (OSF): the office where the applicant, following the first application at the OFF, files a subsequent patent application in respect of the same creation and claims priority on the basis of the first application at the OFF.
 - (3) Access-Code: a code issued by the OFF allowing participating offices to obtain the applicant's first-filed patent application in electronic format and verify the application number, filing date, patent type and other relevant information.

4. Operational procedures for TIPO as the OFF:

- (1) The applicant that first files a patent application at TIPO may request for an access-code with the office and use it to claim priority on the basis of the TIPO application while filing a subsequent patent application at JPO.
- (2) A request for the access-code to TIPO may be stated in the priority document request form or filed electronically.
- (3) TIPO does not charge any fees for this service.
- (4) The applicant that subsequently files a patent application at JPO and claims priority on the basis of the TIPO application may provide the access-code in place of priority document.
- (5) After receipt of the TIPO-issued access-code from the applicant, JPO will proceed with its operational procedures.
- (6) After receipt of a list of the claimed priority from JPO, TIPO will verify the application number and the access-code. Once completed, the office will then encrypt the priority document and send it to JPO via regular postal service or the Internet.

5. Operational procedures for TIPO as the OSF:

- (1) The applicant that claims priority on the basis of a JPO application at TIPO and provides the office with the JPO-issued access-code within sixteen (16) months after the earliest priority date shall be deemed to have provided the priority document within the stipulated time period.
- (2) After receipt of the JPO-issued access-code from the applicant, TIPO will make a list of the claimed priority containing the filing date, application number and patent type of the JPO application, access-code, and other relevant information and send it to JPO via the Internet.
- (3) After receipt of the list of the claimed priority from TIPO, JPO will proceed with its operational procedures.

6. If the accurate priority document cannot be obtained in compliance with

these Operational Directions, TIPO will employ the following remedies:

- (1) If the Internet server error, delivery inaccuracy and other factors not attributable to the applicant result in the failure of the exchange, TIPO or JPO shall proceed with server repair or re-delivery of the document. Once completed, the applicant shall be deemed to have provided the priority document within the stipulated time period.
 - (2) If accountable for factors such as providing erroneous access-code or first-filed patent application number that result in the failure of exchange, the applicant shall, after receipt of such notification from TIPO, provide accurate access-code, first-filed patent application number, or paper priority document within two (2) months. The applicant that fails to do so within the specified time period shall be deemed not to have provided the priority document.
7. Applications filed prior to the implementation date of these Operational Directions may also be processed in accordance therewith.