

## **Appendix 1**

### **I. The Patent Act contains the following stipulations regarding the statutory period for applying for reinstatement:**

- (1) Period for submitting documentation for deposit of biological materials (Paragraph 2 and 3 of Article 27)
- (2) Period for claiming patent priority for international applications (Paragraph 1 of Article 28; Paragraph 1 of Article 28 applicable mutatis mutandis under Article 120; Article 28 and Paragraph 2 of Article 28 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (3) Period for submitting certified documentation for priority claims (Paragraph 2 of Article 29; Paragraph 2 of Article 29 applicable mutatis mutandis under Article 120; Paragraph 2 and 3 of Article 29 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (4) Period for the application or withdrawal of patent priority claim for domestic applications (Article 30; Article 30 applicable mutatis mutandis under Article 120)
- (5) Period for filing a divisional application (Paragraph 1 and 2 of Article 34; Article 107)
- (6) Period for the owner of the right to file an invalidation action and a patent application, after the invalidation decision revoking the patent has been finalized (Paragraph 1 of Article 35; Paragraph 1 of Article 35 applicable mutatis mutandis under Article 120; Paragraph 1 of Article 35 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (7) Period for requesting substantive examination (Article 38)
- (8) Period for requesting reexamination (Article 48; Article 48 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (9) Period for payment of patent certificate fee and patent annuities (Paragraph 1 of Article 52; Paragraph 1 of Article 94; Paragraph 1 of Article 52 and Paragraph 1 of Article 94 applies mutatis

mutandis under Article 120; Paragraph 1 of Article 52 and Paragraph 1 of Article 94 applies mutatis mutandis under Paragraph 1 of Article 142)

- (10) Period for the application of an extension of patent term for invention patents (Paragraph 4 of Article 53)
- (11) Period for the requester of an invalidation action to provide invalidation reasons or evidence (Paragraph 4 of Article 73; Paragraph 4 of Article 73 applicable mutatis mutandis under Article 120; Paragraph 4 of Article 73 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (12) Period to apply for conversion of application (Article 108; Article 131; Article 132)

**II. According to Paragraph 4 of Article 17 of the Patent Act, the statutory period for which the applicant may not apply for reinstatement is as follows:**

- (1) Reinstatement of rights due to a delay in claiming of priority (Paragraph 4 of Article 29; Paragraph 4 of Article 29 applicable mutatis mutandis under Article 120; Paragraph 4 and 3 of Article 29 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (2) Reinstatement of rights due to delayed payments of certification fees and the first-year patent annuity (Paragraph 4 of Article 52; Paragraph 4 of Article 52 applicable mutatis mutandis under Article 120; Paragraph 4 of Article 52 applicable mutatis mutandis under Paragraph 1 of Article 142)
- (3) Reinstatement of rights due to delayed payments of patent annuities after the second year (Paragraph 2 of Article 70; Paragraph 2 of Article 70 applicable mutatis mutandis to Article 120; Paragraph 2 of Article 70 applicable mutatis mutandis to Paragraph 1 of Article 142)