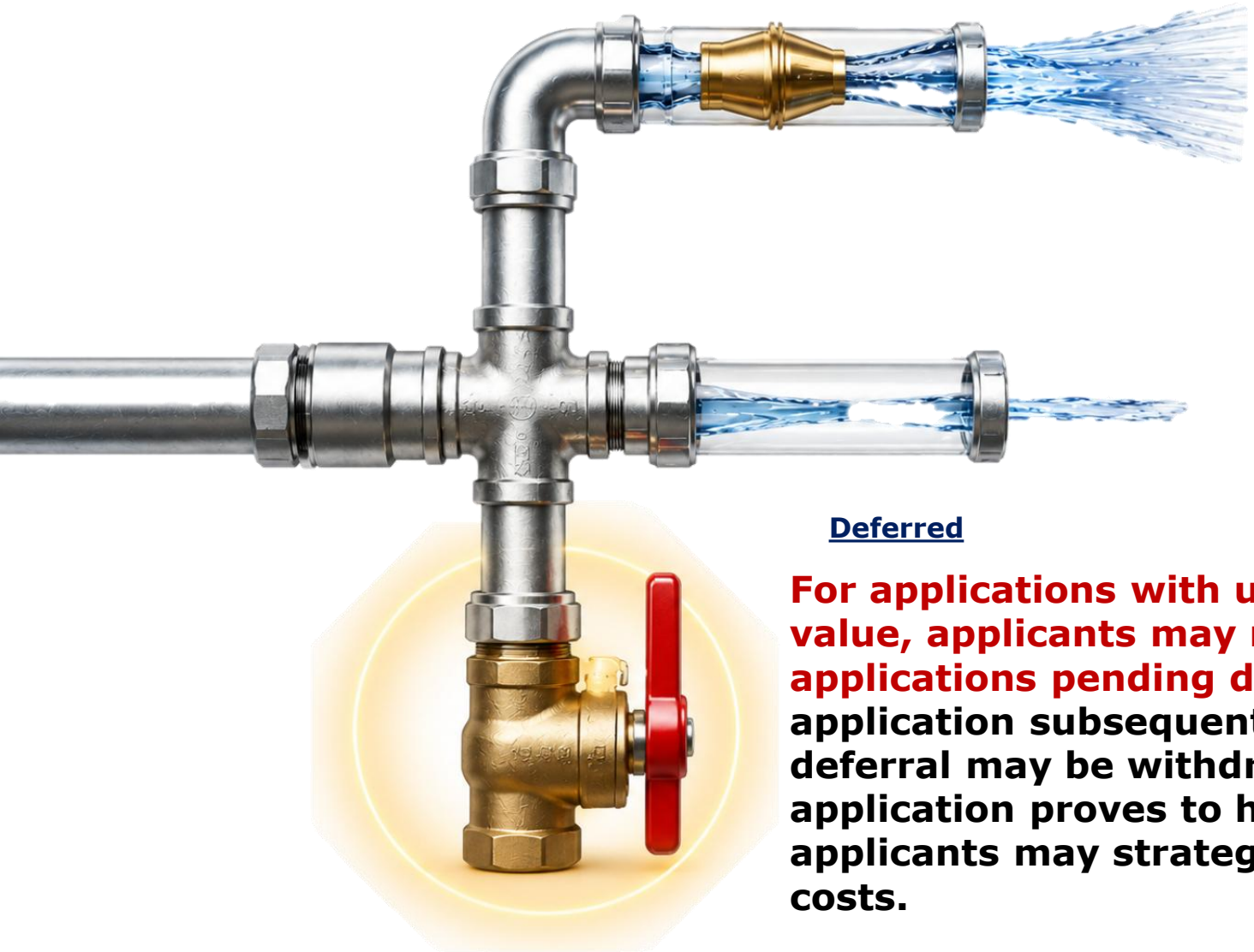
-Strategic Pauses-

Deferred Examination of Invention and Design Patent Applications

Chinese Taipei
APEC IPEG 63 (Dalian)



TIPO’s Speed Flexibility for Applicants



Expedited

For applications with clear commercial value, AEP, PPH, and urgent need for patent right protection (such as Startups, Female Applicants)

- **First OA pendency 1~2 months**
- **Disposal pendency 7 months**

Regular

- **First OA pendency 8 months**
- **Disposal pendency 13.8 months**

Deferred

For applications with uncertain or low expected commercial value, applicants may request deferral to keep their applications pending during the deferral period. If an application subsequently becomes commercially valuable, the deferral may be withdrawn at any time. Conversely, if the application proves to have little or no commercial value, applicants may strategically abandon it to reduce prosecution costs.

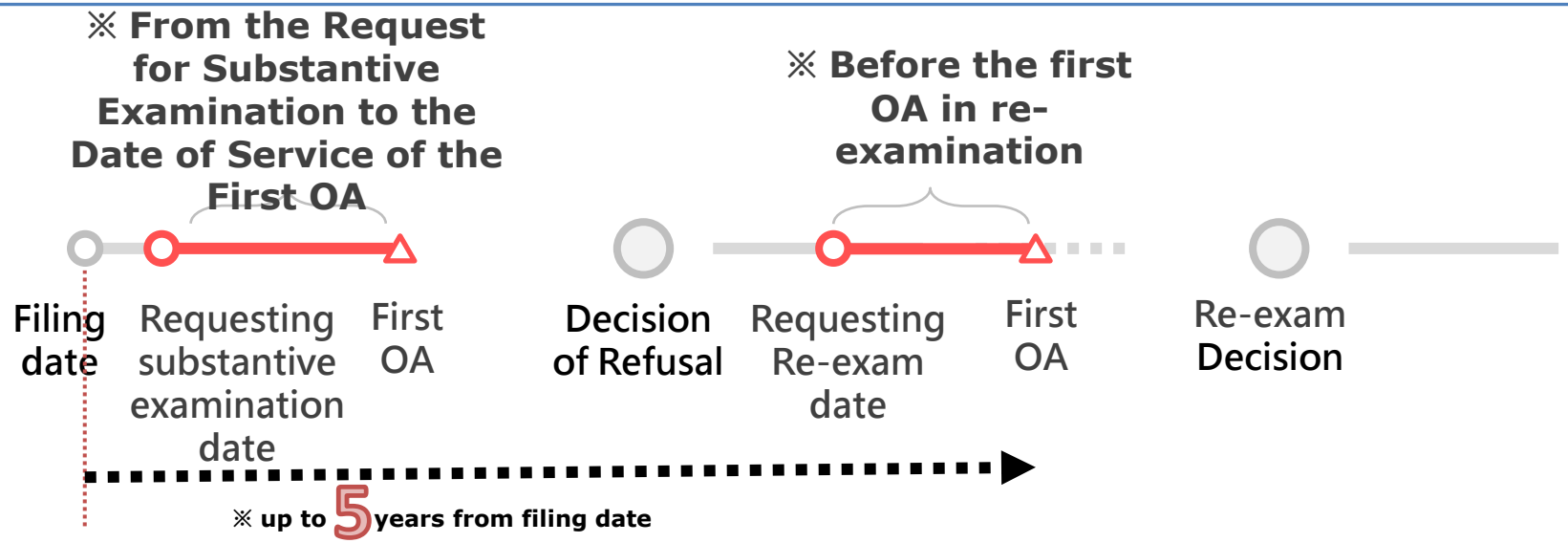
Re-Engineering Deferral Mechanism

No Fees

January 1, 2025 amendment	January 1, 2026 amendment
➢ **Consolidated Invention deferral and Design deferral into one operational directions,** the maximum period for deferral for invention is up to 3 years, for design is up to 1 year from filing date ➢ **Reexamination applications is eligible before the first OA is served** ➢ **Division applications is eligible before the first OA is served** ➢ **Ineligible deferral situations: third-party substantive examination, AEP, PPH**	✓ **For inventions, the maximum deferral period is extended from 3 years to 5 years** ✓ **For Designs, the maximum deferral period is extended from 1 years to 2 years** ✓ **Only single request per patent application** ✓ **TIPO has the authority to dismiss or terminate the deferral if it negatively impacts public interest or third-party rights**

Deferred Examination for Invention Applications

Deferred Examination Request Period:



※ **must be requested before first OA**

※ **Applicable during both the substantive examination and re-examination stages. Requests may be withdrawn, but only one request for deferred examination is permitted per application.**

※ **Applies to Division applications**

Eligible Requester:

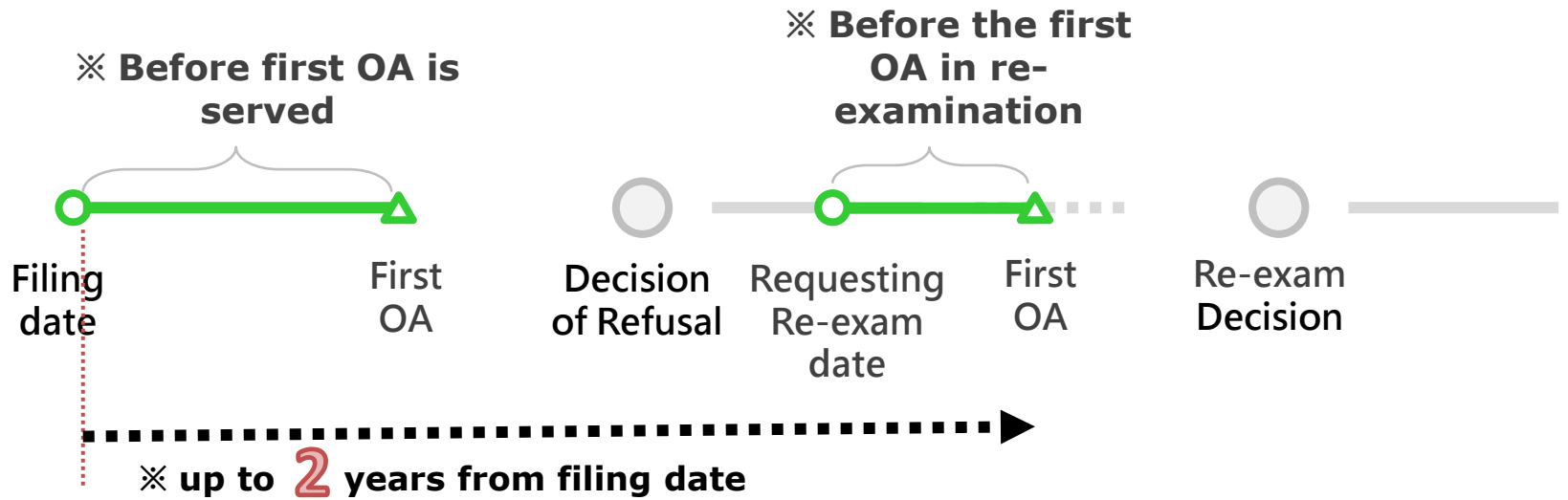
- **Only the applicant**

Not Applicable If:

- **A third party has requested substantive examination**
- **Accelerated examination, priority examination, or the Patent Prosecution Highway (PPH) has been requested**
- **More than 5 years have elapsed since the the filing date**

Deferred Examination for Design Applications

Deferred Examination Request Period:



※ must be requested before first OA

※ Applicable during both the substantive examination and re-examination stages. Requests may be withdrawn, but only one request for deferred examination is permitted per application.

※ Applies to Division applications

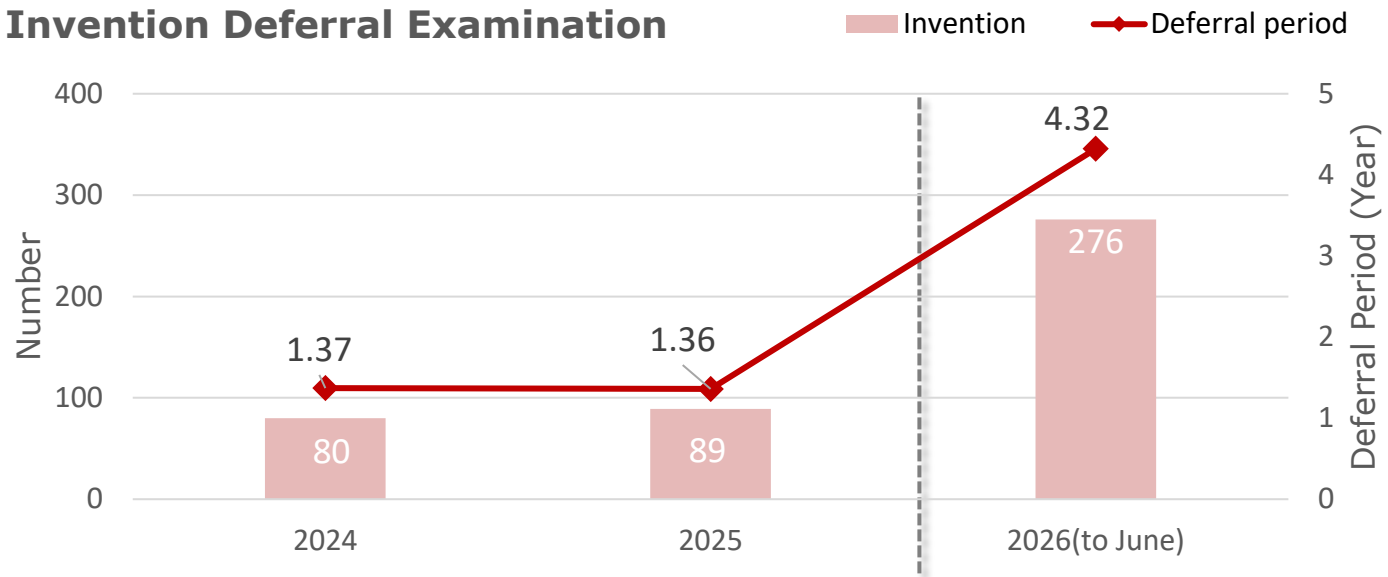
Eligible Requester:

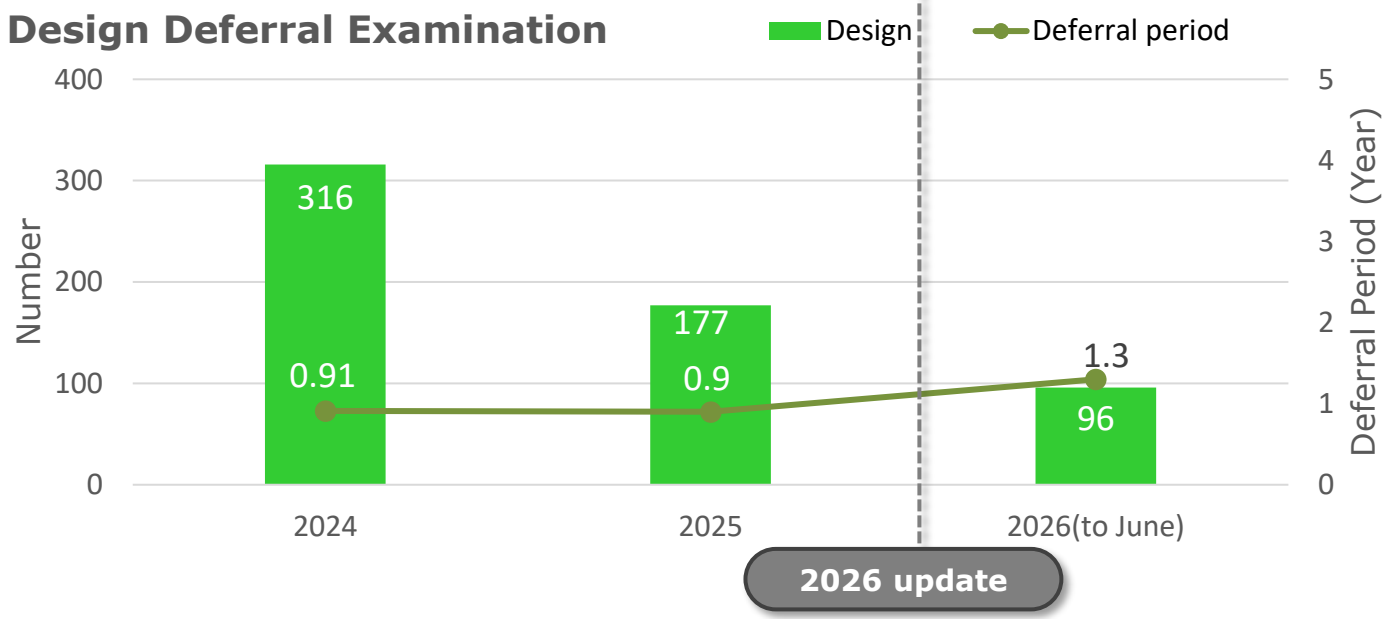
- Only the applicant

Not Applicable If:

- Accelerated examination has been requested
- More than 2 years have elapsed since the the filing date

Statistics on Deferred Examination





- **Before 2026 update, the deferral examination demand for design applications was higher than for invention applications. After 2026 update, the demand for invention applications increased significantly (as of the end of June, there were 276 cases).**

- **After 2026 update, the deferral period for invention increased from 1.4 years to 4.32 years, and for design increased from 0.9 years to 1.30 years**

- **Deferral cases for invention are mainly concentrated in semiconductor-related inventions, while design patents are most frequently found in vehicle parts**

Policy Outcomes



Greater Strategic Flexibility for Applicants

- Maximum deferral period extended from 3 to 5 years for inventions and from 1 to 2 years for designs
- Examination timing can be aligned with market, investment, and commercialization milestones



More Effective Allocation of Examination Resources

- Examination resources can be prioritized for applications with immediate commercial needs.
- Unnecessary prosecution costs for low-value applications can be reduced.



Balanced Legal Certainty and Public Interest

- Only one deferral request is permitted per application
- The 18-month publication for inventions remains unaffected
- TIPO may reject or terminate deferral when significant public-interest or third-party concerns arise

Thank You

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