

Prior Art Grace Period Extension

Beginning June 9, 2018, the grace period during which a patent application must be filed in Japan so that any previous public disclosure of the same invention would not automatically be considered to be novelty-destroying prior art has been extended from six (6) months to twelve (12) months. If an inventor wishes to file an application for an invention which previously had been publically disclosed at a seminar, conference, in a commercially available product, etc., the applicant would be permitted to file the application provided that the public disclosure had been made within a calendar year of the filing date of the application.

In general, this extension has been designed to allow the inventor(s) time to prepare or decide whether to proceed with the filing of an application to protect the previously disclosed invention. The current extension also brings Japan in line with the US, Canada, South Korea, etc., which also allow a one year grace period.