

Notice: Patent Prosecution Highway

A Bilateral Patent Prosecution Highway (PPH) pilot program has commenced between the Indian Patent Office (IPO) and the Japan Patent Office (JPO). The guidelines in this regard have been published on the website of Controller General of Patents, Designs & Trade Marks.

The IPO will start accepting Form 5-1 under Chapter 5 of the PPH Guidelines from 7th December 2020. The number of requests will be limited to 100.

Following points are to be noted while submitting a request to IPO under the said PPH program:

- The number of the requests for the PPH in IPO will be limited to 100 cases per year on first come first serve basis.
- An applicant who has filed a patent application, either alone or jointly with any other applicant, shall not file more than 10 PPH requests to IPO per year.
- Request for assigning special status for expedited examination under the PPH is required to be filed online in prescribed form 5-1 under chapter 5 of the PPH guidelines.
- An applicant/Authorized agent can file the request for expedited examination on Form 18A ONLY AFTER THE REQUEST FOR ASSIGNING SPECIAL STATUS FILED ON FORM PRESCRIBED IN CHAPTER 5 IS ACCEPTED BY IPO. The decision on Acceptance/Rejection/Defect noticed shall be communicated to the Applicant/Authorized agent through email as well as message on e-filing portal.
- In case of defects in form 5-1 the applicant will be provided opportunity to rectify the defects within 30 days from the issue of notification of defects by IPO.
- Notwithstanding the above procedure, the timelines for filing a request for expedited examination shall be as prescribed under the Patents Rules, 2003.