

Procedures to file a request to the BrulPO (Brunei Intellectual Property Office) for Patent Prosecution Highway Plus (PPH+) Program

Applicants can request decisions on patents in an accelerated manner by a prescribed procedure including submission of relevant documents on an application which is filed with the BrulPO and satisfies the following requirements under the JPO (Japan Patent Office) - BrulPO Patent Prosecution Highway Plus (PPH+) program based on the JPO application.

The PPH+ program between BrulPO and JPO commenced on October 1st, 2017 for an initial period of three years, and if there is no notice of intention to terminate from either offices at least three (3) months prior to the expiration of the initial period or any subsequent extended period, the initial period and each subsequent extended period will be automatically extended for another year every year. The BrulPO and JPO will evaluate the results of the program to determine whether and how the program should be fully implemented after the initial period and in any subsequent extended period.

The offices may terminate the PPH+ program early if the volume of participation exceeds manageable level, or for any other reason. Ex Ante notice will be published if the PPH+ program is terminated.

1. Requirements

(a) Both the BrulPO application on which PPH+ is requested and the JPO application(s) forming the basis of the PPH+ request shall have the same earliest date (whether this be a priority date or a filing date).

For example, the BrulPO application (including PCT national phase application) may be either:

(Case I) an application which validly claims priority under the Paris Convention from the JPO application(s) (examples are provided in ANNEX I, Figures A, B, C), or

(Case II) an application which provides the basis of a valid priority claim under the Paris Convention for the JPO application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures D), or

(Case III) an application which shares a common priority document with the JPO application(s) (including PCT national phase application(s)) (examples are provided in ANNEX I, Figures E, F, G, I, J, and K), or

(Case IV) a PCT national phase application where both the BrulPO application and the JPO application(s) are derived from a common PCT international application having no priority claim (an example is provided in ANNEX I, Figure H).

- (b) At least one corresponding application exists in the JPO and the applicant has been already notified of the decision to grant a patent by the JPO.**

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the JPO application which forms the basis of the priority claim (e.g., a divisional application of the JPO application or an application which claims domestic priority to the JPO application), or an JPO national phase application of a PCT application.

- (c) All claims on file, as originally filed or as amended, for examination under the PPH+ must sufficiently correspond to one or more of those claims indicated as granted in the JPO.**

Claims are considered to “sufficiently correspond” where, accounting for differences due to translations and claim format, the claims in the BrulIPO are of the same or similar scope as the claims in the JPO, or the claims in the BrulIPO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the BrulIPO which introduces a new/different category of claims to those claims indicated as granted in the JPO is not considered to sufficiently correspond. For example, where the JPO claims only contain claims to a process of manufacturing a product, then the claims in the BrulIPO are not considered to sufficiently correspond if the BrulIPO claims introduce product claims that are dependent on the corresponding process claims.

2. Documents to be submitted and to be attached

The request form PPH+¹ (see ANNEX II) must be submitted to the BrulIPO concurrently by attaching to Patents Form 14 under Section 29(2)(c) of the Patent Order of Brunei Darussalam in filing a request under PPH+.

3. Procedure for the accelerated patent decision under the PPH+ program

The BrulIPO decides whether the application can be entitled to the status for an accelerated patent decision under the PPH+ when it receives a request with the documents stated above.

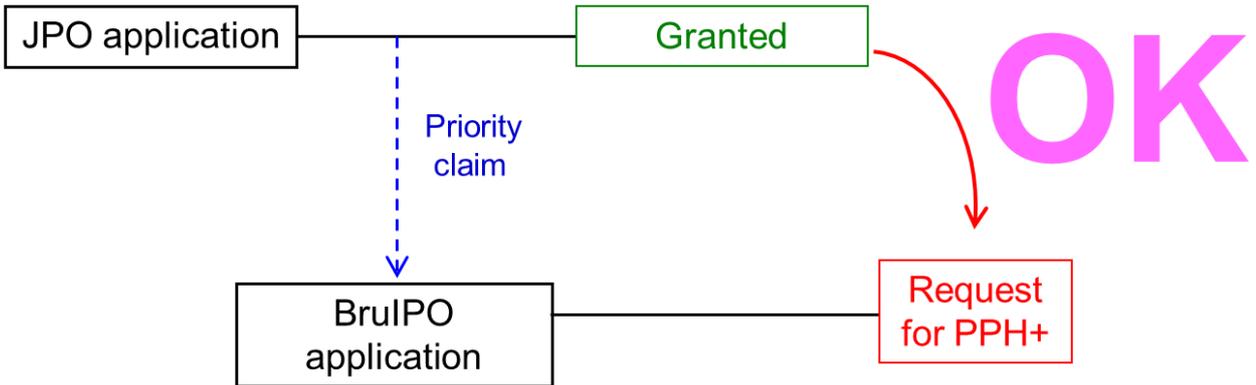
¹ Electronic data is available on the website at the following URL:
http://*****

When the BrulPO decides that the request is acceptable, the application is assigned a special status for an accelerated patent decision under the PPH+.

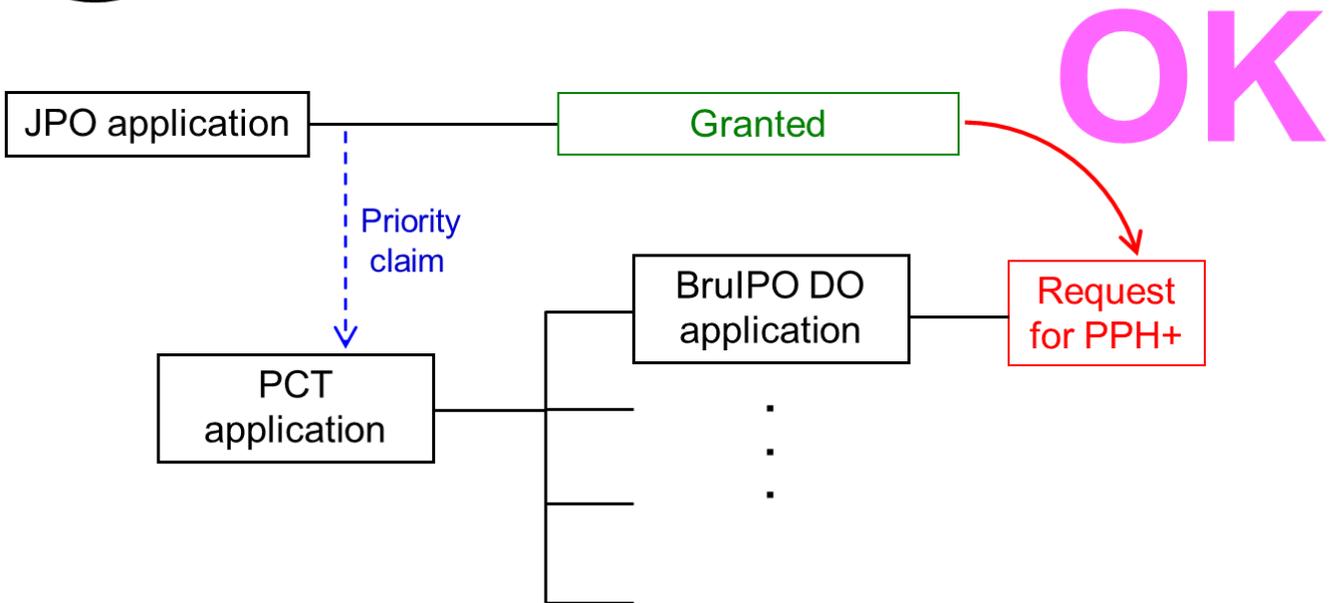
In those instances where the request does not meet all the requirements set forth above, the application will not be assigned a special status for an accelerated patent decision under the PPH+ and the BrulPO will conduct a patent examination on the application, following the ordinary examination process.

If all requirements for an accelerated patent decision under the PPH+ are met, the BrulPO will allow the application to enter into the PPH+ and grant a patent right in an accelerated manner.

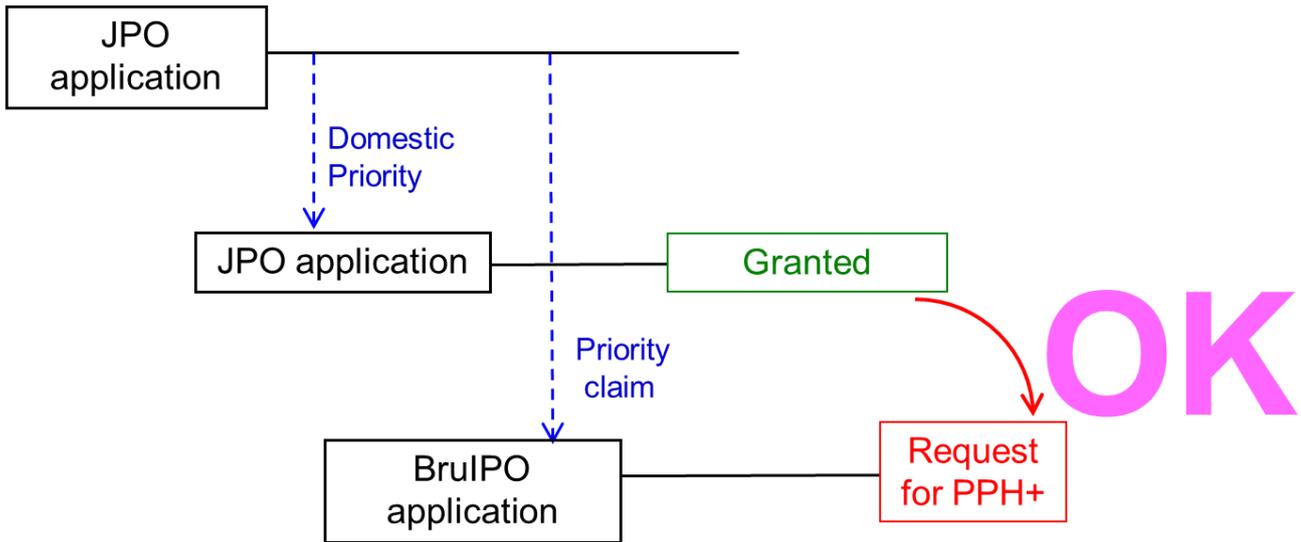
A - Paris route -



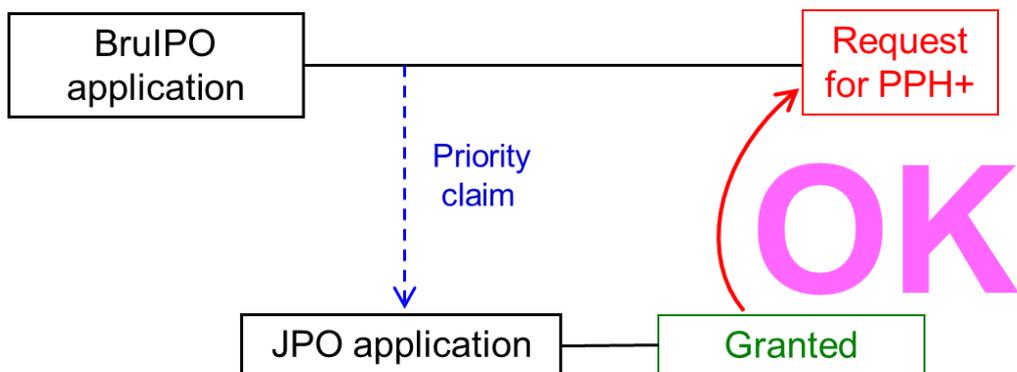
B - PCT route -



C - Paris route, Domestic priority -

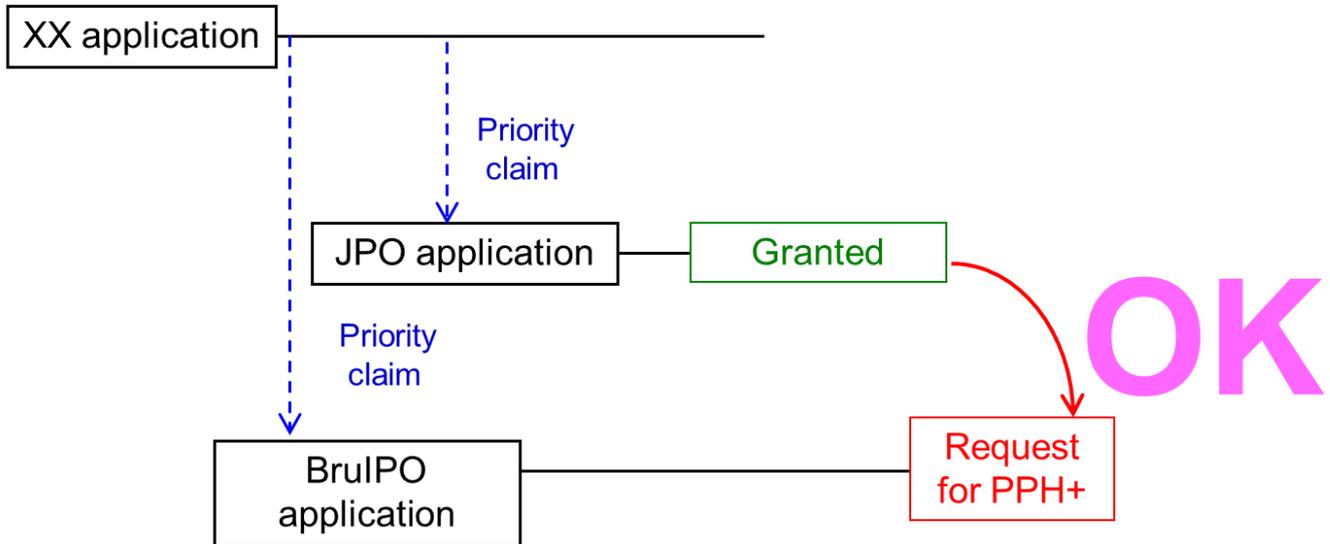


D - Paris route -



E

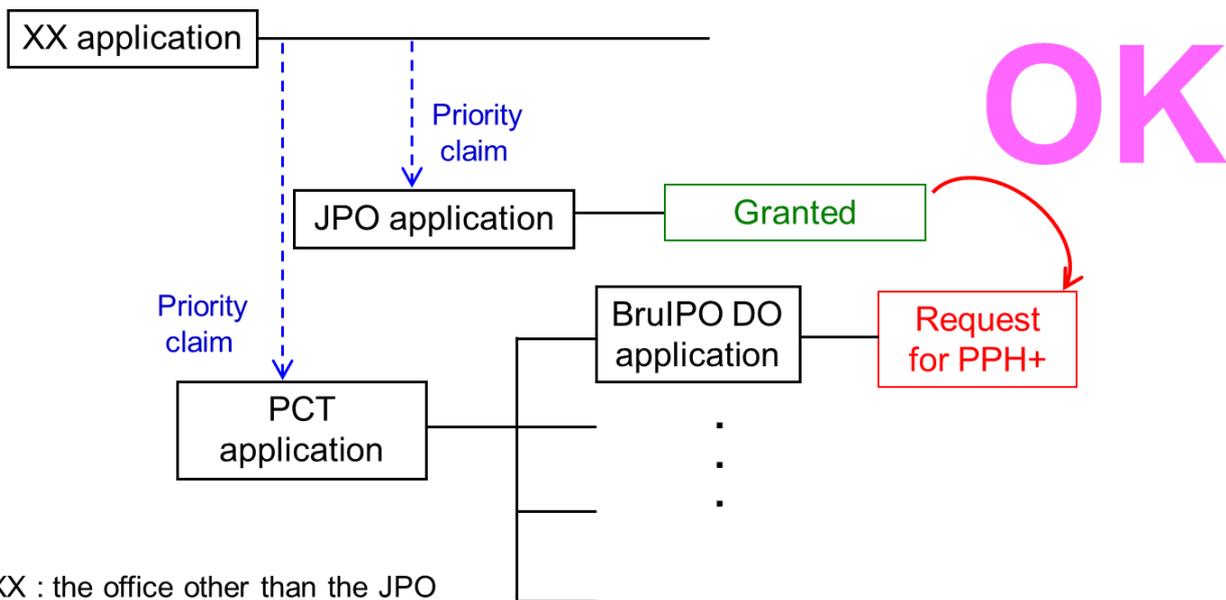
- Paris route,
but the first application is from the third country -



XX : the office other than the JPO

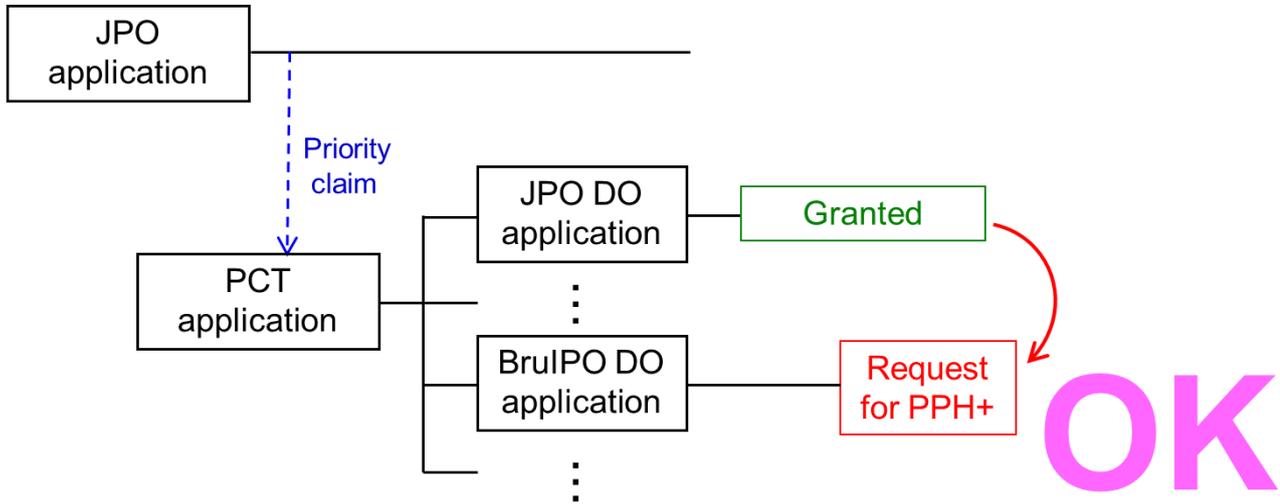
F

- PCT route,
but the first application is from the third country -

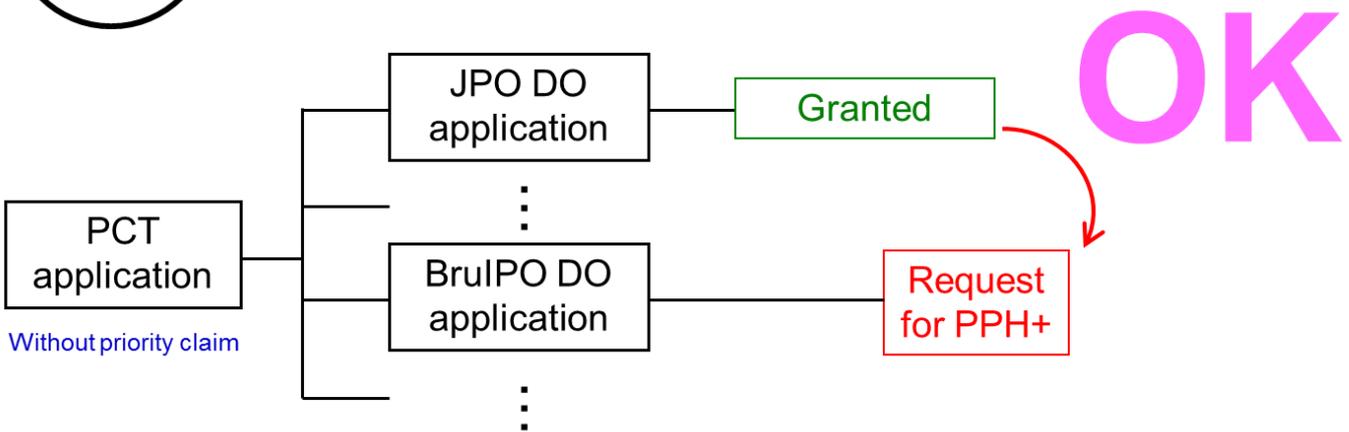


XX : the office other than the JPO

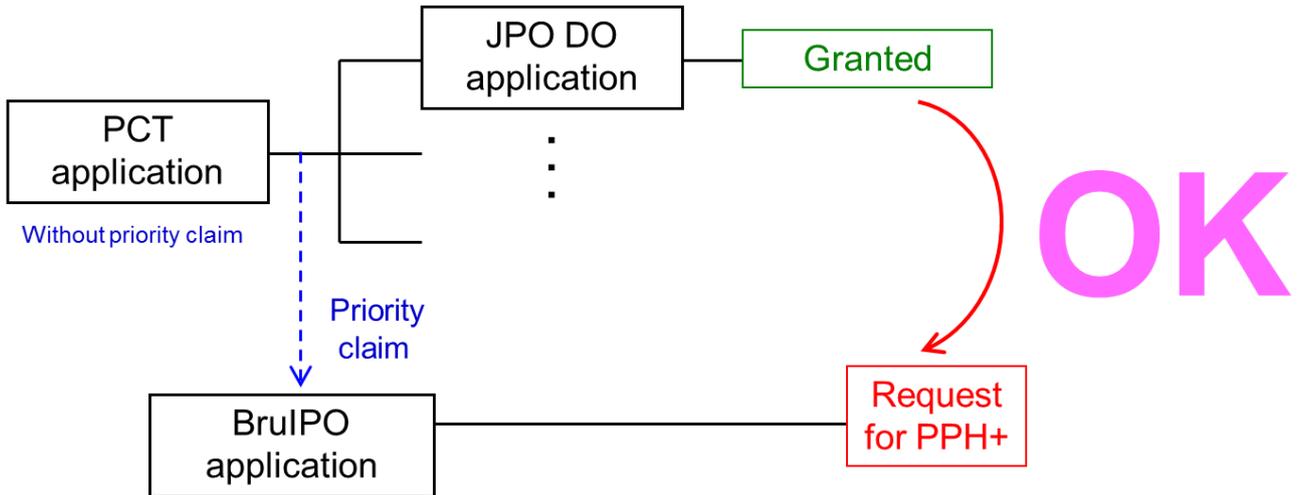
G - PCT route -



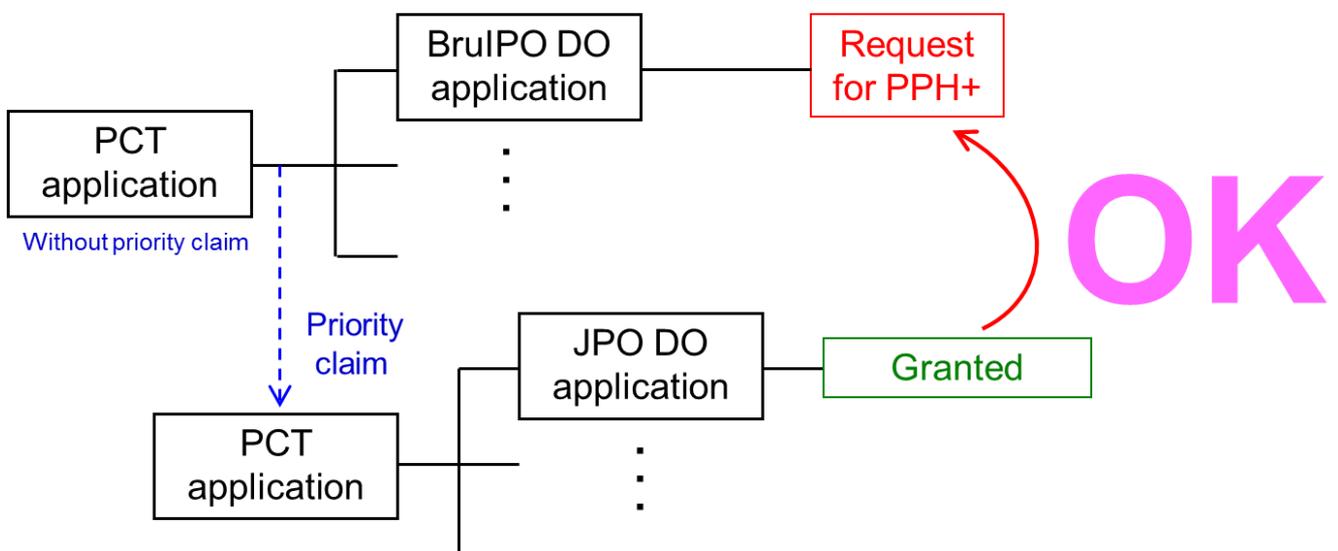
H - Direct PCT route -



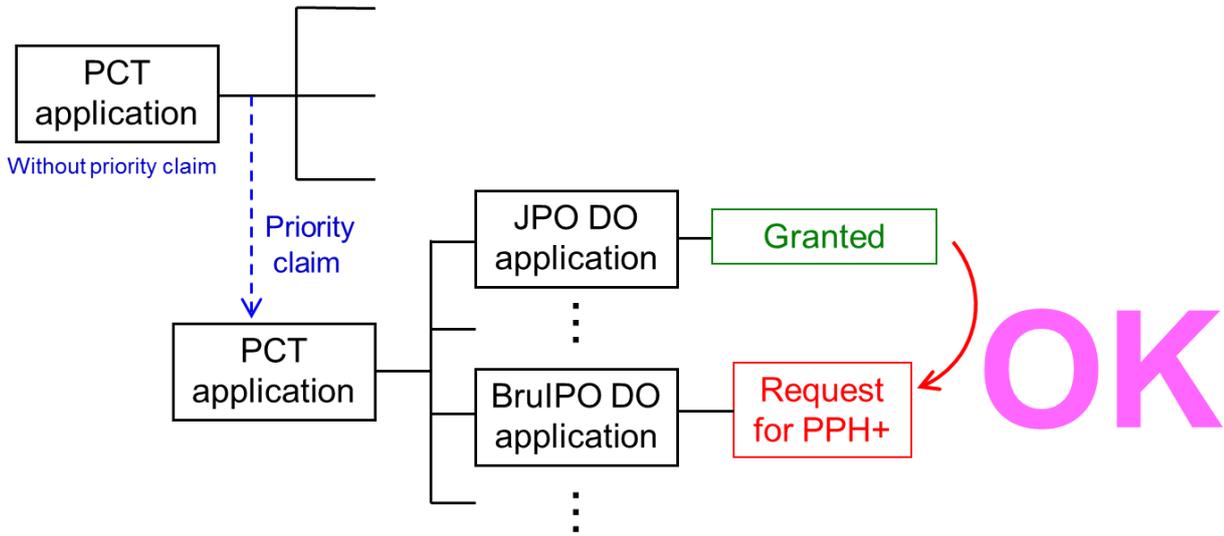
I - Direct PCT & Paris route -



J - Direct PCT & PCT route -



K - Direct PCT & PCT route -



ANNEX II: PPH+ Request Form

PPH+(plus) request form

Subject: Request for an accelerated patent decision under the PPH+ program

Date of filing: _____

Application number: _____

Title of the invention: _____

Applicant: _____

This application is an application validly claiming the priority under the Paris Convention to the corresponding JPO application (the application number is _____), and the accelerated patent decision is requested under the PPH+(plus) program. For this purpose, the following document is attached:

Claim correspondence table

Concurrently with this PPH+ request form, completed Patents Form 14 is filed under section 29(2)(c) of the Patent Order of Brunei Darussalam.

