

## Concise information on "Opposition System" in Major IP States

	JP	US	EP	CN	KR	TW
Is there an opposition system?	Yes Post-grant Opposition system will be introduced on April 1, 2015	Yes PGR, Post-grant Review, was introduced on September 16, 2012.	Yes	No An opposition system was abolished in 1993.	No An opposition system was abolished in 2007.	No An opposition system was abolished in 2004.
Who can file a petition?	A person who is not the owner of a patent (An anonymous petition is impermissible.) Patent Law Article 113, main paragraph	A person who is not the owner of a patent (An anonymous petition is impermissible.) 35 U.S.C. § 321(a)	Any person, but not the proprietor (An anonymous notice of opposition is impermissible.) EPC Article 99(1)			
What patent can a person file a petition against?	Patent of which the patent publication date is on or after April 1, 2015	The granted patent subject to America Invents Act § 102 and § 103 (there is an exception for covered business methods. 37 CFR § 42.300 et al.)	European patent EPC Article 99(1)			
When can a person file a petition until?	<b>Within six months</b> from the patent publication date Patent Law Article 113, main paragraph	<b>Not later than</b> the date is <b>nine months</b> after the date of the grant of the patent, 35 U.S.C. § 321(c)	<b>Within nine months</b> of the publication of the mention of the grant of the European patent in the European Patent Bulletin EPC Article 99(1)			
What ground can a person file a petition on?	The grounds of opposition are substantially the same as the reasons for rejection during examination procedure, except that formality issues and issues related to attribution of right are not included. Patent Law Article 113 (i) - (v)	Any ground that could be raised under paragraph (2) or (3) of section 282(b), 35 U.S.C. § 321(b)	Grounds for opposition are stipulated in EPC Article 100			
Can a party appeal the final decision?	A party may appeal the final decision of Revocation to the IP High Court, however may not appeal the final decision of Maintaining the Patent. Patent Law Article 114(5) and 178(1)	A party may appeal the final written decision of the Patent Trial and Appeal Board. 35 U.S.C. § 329	An appeal shall lie from decisions of the Opposition Divisions. EPC Article 106(1)			
Official fee	JPY 16,500 + JPY 2,400 x the number of claims	USD 30,000 (Post-grant review request fee + initiation fee - Up to 20 claims requested and 15 initiated) 37 CFR § 42.15(b)	EURO 775 (Opposition basic fee)			
Others	No Estoppel	Estoppel is effective. 35 U.S.C. § 325(e)	The opposition shall apply to the European patent in all the Contracting States in which that patent has effect. EPC Article 99(2)			