

# Enforcement Regulations of the Patent Law

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The Enforcement Regulations of the Patent Law are defined as follows based on the provisions of Article 28, paragraph 2, Article 120, Article 187, and Article 189 of the Patent Law (Act No. 121 of 1959), and to enforce the Patent Law.

## Chapter 1 General Provisions

(Procedures, etc., following the document)

**Article 1.** Any procedures (hereinafter, referred to as “procedures”) relating to a patent including filing a patent application and a request shall, unless otherwise provided for in laws and regulations, be made in the document.

2 The documents shall, unless otherwise provided for in laws and regulations, be prepared for each procedure.

3 The document shall state the name and domicile or residence of the submitter and in the case of a legal entity, the name of the representative, and affix his/her seal.

(Terminology, etc., of the document)

**Article 2.** The document (excluding the case provided in the following paragraph) shall, unless otherwise provided for in laws and regulations, be written in Japanese.

2 The power of attorney, nationality certificate, and other documents, which are written in a language other than Japanese shall be attached with their translations.

**Article 3.** The case which describes the quantity of the state of the physical phenomena prescribed in Article 2, paragraph 1 of the Measurement Act (Act No. 51 of 1992) in the document shall be described in accordance with the provisions of Article 8 of the Patent Law and Article 3, Article 4, Article 5, Article 6, and Article 8, paragraphs 1 and 3 of the Supplementary Provisions of the Patent Law.

(Submission of copies)

**Article 4.** When submitting the documents, if there is an adverse party (or parties), the number of copies necessary to send the adverse party (parties) shall be submitted. However, if there is a representative (or representatives) notified under the proviso to Article 14 of the Patent Law (Act No. 121 of 1959) the number of copies should be the same as the number of representative(s).

(Form of request for extension of time limit)

**Article 4-bis.** A request for an extension of time limits based on the provisions of Article 4 or Article 5, paragraph 1 of the Patent Law with respect to a patent application or a request for a trial against an examiner's decision of refusal, a change of date based on the provisions of Article 5, paragraph 2 of the Patent Law, or an extension of time limits based on the provisions of Article 108, paragraph 3 of the Patent Law shall be made by Form No. 2.

2 A request for an extension of time limit based on the provisions of Article 4 or Article 5, paragraph 1 of the Patent Law or for a change of date based on the provisions of Article 5, paragraph 2 of the Patent Law 5 (excluding requests provided in the preceding paragraph) shall be made by Form No. 3.

3 A request for a change of date based on the provisions of Article 5, paragraph 2 of the Patent Law shall be made by clarifying the grounds for requiring the change of date.

4 A change of date of the preceding paragraph shall not be allowed when it is based on any of the following grounds. However, this shall not apply if there are unavoidable grounds therefor.

(1) When there are a plurality of representatives for one of the parties in the case, the grounds for the change regarding a part of the representation was made.

(2) After the specific date has been designated, the same date was designated for another case.

(Certification of Power of Representation)

**Article 4-ter.** Authorization of Statutory representation, authorization specifically empowered by the provision of Article 9 of the Patent Law or authorization of the representation by a representative of a person who is making the following processes shall be certified with the document. However, in No. 2, when a representative for the transferor performing the notification of succession of the right to obtain a patent based on the provisions of Article 34, paragraph 4 of the Patent Law is the same as the representative prior to notification, it is not necessary that the power of representation of the representative is certified with the document.

(1) Motion for the Resumption of Procedures

(2) Notification of succession of the right to obtain a patent based on the provisions of Article 34, paragraph 4 or paragraph 5 of the Patent Law

(3) Patent application based on the provisions of Article 44, paragraph 1 of the Patent Law (excluding a patent application represented by the representative of the parent patent application)

(4) Request for examination of an application (limited to requests by a person other than the applicant)

(5) Application for registration of extension of the term of a patent right

(6) Request of Interpretation

(7) Request of Arbitration Decision

(8) Submission of written reply based on the provisions of Article 84 (including the cases where it is applied mutatis mutandis pursuant to Article 92, paragraph 7 of the Patent Law or Article 93, paragraph 3 of the Patent Law) of the Patent Law

(9) Request for trial (Excluding a trial against an examiner's decision of refusal)

(10) Submission of written reply based on the provisions of Article 134, paragraph 1 of the Patent Law (including the cases where it is applied mutatis mutandis pursuant to Article 71, paragraph 3 of the Patent Law and Article 174, paragraph 2 of the Patent Law)

(11) Demand to intervene based on the provisions of Article 48, paragraph 1 or 3 of the Patent Law (including the cases where it is applied mutatis mutandis pursuant to Article 174, paragraph 2 of the Patent Law)

(12) Motion for Preservation of Evidence (limited to motions prior to the request for interpretation, prior to the request for trial or prior to the request for retrial)

(13) Request of retrial

(14) Notification (limited to the notification by the patentee) of a change of the accession number concerning the deposit of microorganisms under Article 27-bis, paragraph 2

2. When a person who is proceeding or the patentee reports the appointment or conversion of the representative or the conversion of the contents of the power of representation of the representative as prescribed in Article 9-bis, paragraph 1 or when the representative of a

person who is proceeding or of the patentee reports the appointment to the representative as prescribed in Article 9-bis, paragraph 2, the power of representation of the appointed representative or the changed power of representation or the power of representation of the appointed representative must be certified with the documents.

3. When a person who is proceeding before the Patent Office makes procedures relating to the case by a new representative without making a notification prescribed in Article 9-bis, paragraph 1 or 2 while the case is pending, the power of representation of the representative must be certified with the documents. However, this provision shall not apply to the procedures prescribed as follows.

- 1) Payment of annual fees as prescribed in Article 107, paragraph 1 of the Patent Law
- 2) Application of refund of paid annual fees as prescribed in Article 111, paragraph 1 of the Patent Law
- 3) Payment of surcharge as prescribed in Article 112, paragraph 2 of the Patent Law
- 4) Request for issuance of a certificate, a copy or an extract of documents, allowance of the inspection or copying of documents or issuance of documents whose contents are recorded in the part of the Patent Register prepared by magnetic tapes as prescribed in Article 186, paragraph 1 of the Patent Law
- 5) Request for refund of fees paid by mistake or in excess as prescribed in Article 195, paragraph 1 of the Patent Law
- 6) The procedures of receiving an item as prescribed in Article 15, paragraph 2
- 7) Submission of explanation of circumstances concerning preferential examination as prescribed in Article 31-ter, paragraph 1

4. The Director General of the Patent Office or the trial examiner-in-chief may, if necessary, invite the submission of documents certifying the power of representation regarding the procedures made by the representative notwithstanding the provision of paragraph 1 and the preceding paragraph.

(Submission of Certificates)

**Article 5.** When notifying a succession of the right to obtain a patent, documents certifying the succession of the right shall be submitted.

2. The Director General of the Patent Office may, if necessary, invite the submission of documents certifying the succession of the right with respect to the patent application of a successor in title to the right to obtain a patent.

**Article 6.** A person proceeding shall submit documents certifying that approval, permission, consent, or authorization by a third party is necessary with respect to the proceeding.

**Article 7.** The Director General of the Patent Office may, if necessary, invite the submission of the following documents, with respect to the procedure made by aliens.

- 1) Documents certifying his nationality
- 2) Any of the following documents when his/her country (excluding countries provided by notification) is not a country party to the Paris Convention (meaning the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 21, 1958, and at Stockholm on July 14, 1967) or not a member of the World Trade Organization or not a country that has an agreement with Japan on the mutual protection relating to patents
  - A. Documents certifying that he/she has a domicile or a real and effective industrial or commercial establishment in a territory of a country among the countries of Union of the Paris Convention or members of the World Trade Organization

- B. Documents certifying that his/her country allows Japanese nationals to enjoy patent rights or other rights relating to a patent under the same conditions as those for its own nationals
- C. Documents certifying that his/her country allows Japanese nationals to enjoy patent rights or other rights relating to a patent under the same conditions as those for its own nationals, provided that Japan allows his country's nationals to enjoy such rights
- 3) Documents certifying that he/she is a legal entity of an alien corporation

**Article 7-bis.** When making a request for issuance of a certificate, a copy or an extract of documents, allowance of the inspection or copying of documents or issuance of documents whose contents are recorded in the part of the Patent Register prepared by magnetic tapes as prescribed in Article 186, paragraph 1 of the Patent Law, where an interested person who has an interest regarding a non-exclusive license or a provisional non-exclusive license provided in the proviso to Article 186, paragraph 3 of the Patent Law, makes a request for a portion in which the interested person has an interest, the interested person shall submit documents certifying the correspondence to any of the cases prescribed in Article 19 of the Patent Law Enforcement Order (Order No. 16 of 1960).

(Format, etc., of Representative Appointment)

**Article 8.** When making a notification as provided in the proviso to Article 14 of the Patent Law, this shall be described in the request, the demand for interpretation, the written demand, the documents described in Article 184-quinquies, paragraph 1 of the Patent Law, the documents relating to offering described in Article 184-vicies, paragraph 1 of the Patent Law, or the written notification, and the documents certifying the fact shall be submitted.

2. The written notification described in the previous subsection, when it relates to the notification regarding the applicant or the demander of a trial against Examiner's decision of refusal, shall be prepared in accordance with Format 4, and in other cases shall be prepared in accordance with Format 5.

(Format, etc., of Name Change Notification)

**Article 9.** Where a person who is proceeding (excluding the applicant (excluding the applicant of the patent application made for defense purposes and the applicant of the patent application to which the provisions of Protocols, paragraph 3 of the agreement between the government of Japan and the government of the United States of America for patent application made for easing the exchange of technological skills applies) and the demander of the trial against Examiner's decision of refusal) changed his or her name, residence or domicile, or seal, these shall be notified without delay in accordance with Format 6, Format 7, or Format 8.

2. Regarding the written notification (limited to those regarding the applicant of the registration of extension of the term of the patent right of the previous subsection. The same as hereinafter in this paragraph and the next paragraph), two or more notifications may be made in one document, provided that the contents of the notifications are the same.

3. The notification described in paragraph 1 and the application for the registration of the conversion of the indication of the registered assignee (limited to the patentee. Hereinafter the same shall apply in this paragraph) may be made in one document, provided that the applicant of the registration of extension of the term of the patent right is the same as the registered assignee, and, the contents of the conversion are the same.

4. The Director General of the Patent Office, may, if necessary, order the submission of documents certifying the notification prescribed in paragraph 1.

(Format of Representative Appointment)

**Article 9-bis.** When a person who is proceeding or the patentee notifies the appointment or conversion of the representative or the conversion of the contents or lapse of the power of attorney, the notification shall be made in accordance with Format 9, when the person who is proceeding is the applicant of the patent application or the demander of the trial against Examiner's decision of refusal, and in other cases, the notification shall be made in accordance with Format 10.

2. When a person who is proceeding or a representative for the patentee notifies that the representative was appointed or that the power of attorney lapsed, the notification shall be made in accordance with Format 11 when the person who is proceeding is the applicant of the patent application or the demander of a trial against Examiner's decision of refusal, and in other cases, the notification shall be made in accordance with Format 12.

3. Regarding the notification of paragraph 1 or paragraph 2 (limited to those related to the applicant, the applicant of the registration of extension of the term of the patent right or the representative of the patentee), two or more notifications may be made in one document, provided that the contents of the notifications are the same.

(General Power of Attorney)

**Article 9-ter.** The certification prescribed in Article 4-ter when making the procedures (excluding a request for certification on Article 186, paragraph 1 of the Patent Law and those described in Article 6, paragraph 1 of Enforcement Ordinance of the Act on Special Provisions of Procedures, etc. Concerning Industrial Property Rights (Ordinance of the Ministry of International Trade and Industry, No. 41 of 1990. Hereinafter, referred to as "Ordinance for Enforcement of the Act on Special Provisions"), may be made by quoting documents certifying the power of attorney which does not specify the case and which was previously submitted to the Director General of the Patent Office (hereinafter, referred to as "General Power of Attorney") by the provisions of Ordinance for Enforcement of the Act on Special Provisions, Article 6, paragraph 1.

2. The provisions of Article 6, paragraph 4 and Article 7 of the Ordinance for Enforcement of the Act on Special Provisions shall apply mutatis mutandis to the quotation of the previous subsection. In such a case, "Format 7" in Article 7 of the Ordinance for Enforcement of the Act on Special Provisions shall read "Format 7 of the Ordinance for Enforcement of the Act on Special Provisions when a person who submitted a General Power of Attorney is the applicant or the demander of a trial against Examiner's decision of refusal, and in the case of other persons, Format 12-bis of the Enforcement Regulations of the Patent Law".

(Omission of Submission of Documents)

**Article 10.** When making two or more procedures (including procedures defined in the Utility Model Act (Act No. 123 of 1959), the Design Act (Act No. 125 of 1959), the Trademark Act (Act No. 127 of 1959), and the Act Concerning Special Provisions for Procedures Concerning Industrial Property Rights (Act No. 30 of 1990). Hereinafter, referred to as "Special Provisions Act") or the procedures defined in the orders based on these acts), if the contents of the certificates to be submitted under the provisions of Article 30, paragraph 4 of the Patent Law, or Article 43, paragraph 2 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law), Article 15, paragraph 2 or paragraph 3 of the Patent Law Enforcement Order, Article 1-ter, paragraph 2 or paragraph 3 of the Order for the Patent Law and Other Related Fees (Order No. 20 of 1960), Article 4-ter to Article 7-bis, Article 9, paragraph 1, Article 9, paragraph 4, Article 11-quinquies, paragraph 2, Article 27 paragraph 1, paragraph 2, the first sentence of paragraph 3, the first sentence of paragraph 4, Article 27-bis, paragraph 1, paragraph 2, or the first sentence of Article 69, paragraph 3 are

identical, and if the certificates have been submitted for one procedure, the submission of the certificates for the other procedures may be omitted by stating that the certificates have been submitted for the one procedure.

2. A person who already submitted certificates for another case (including those related to the Utility Model Act, the Design Act, the Trademark Act, the Special Provisions Law, or orders based on these acts) to the Patent Office, may omit the submission of the certificates defined in Article 30, paragraph 4 of the Patent Law, Article 43, paragraph 2 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law), Article 15, paragraph 2, or paragraph 3 of the Patent Law Enforcement Order, Article 1-ter, paragraph 2, or paragraph 3 of the Order for the Patent Law and Other Related Fees or, Article 4-ter to Article 7, Article 8, paragraph 1, Article 9, paragraph 4, Article 11-quinquies, paragraph 2, Article 27, paragraph 1, paragraph 2, the first sentence of paragraph 3, and the first sentence of paragraph 4, Article 27-bis, paragraph 1, paragraph 2, or the first sentence of Article 69, paragraph 3 of the Patent Enforcement Order, in the procedures in question when there is no conversion of the matters to be certified, by stating that there is no conversion. However, the Director General of the Patent Office may, if necessary, order submission of the certificates.

(Format, etc., of Written Amendment)

**Article 11.** Among the amendments of procedures (excluding those defined in the provisions of paragraph 3, Article 11-bis, paragraph 1, Article 184-septies, paragraph 2 of the Patent Law, and Article 184-octies, paragraph 2 of the Patent Law), the amendments of procedures made by documents prepared in accordance with Format 2, Format 4, Format 9, Format 11, Format 13, Format 15-bis, Format 16, Format 18, Format 20, Format 22, from Format 26 to Format 32, Format 34, Format 36, Format 38, Format 40, Format 42, Format 44, Format 46, Format 48, Format 50, from Format 51-bis to Format 55, Format 61-bis, Format 64-ter, Format 65-bis, Format 65-quarter, Format 65-sexies, Format 65-novies, Format 65-undecies, Format 65-terdecies, Format 65-quindecies, Format 65-septies decies, Format 65-undevicies, Format 65-unvicies, Format 65-tervicies, or Format 65-quinvicies, submitted to the Patent Office shall be made in accordance with Format 30, and the other amendments of procedures shall be made in accordance with Format 14.

2. Regarding an amendment (limited to those regarding the request, the documents described in Article 184-quinquies, paragraph 1 of the Patent Law or the notification of the succession of the right to obtain a patent) concerning the name, the domicile or residence, or seal of the inventor, the applicant, the applicant of the registration of extension of the term of the patent right, or the representatives thereof, two or more amendments may be made in one document only when the persons making the amendments are identical and the contents of the amendments are identical.

3. The amendment defined in paragraph 2 (excluding amendments regarding the inventor or the representative) and an application of the registration of the correction of the indication of the name or the domicile or residence of the registered assignee (limited to the patentee. Hereinafter the same shall apply in this paragraph) may be made in one document only when the applicant or the applicant of the registration of extension of the term of the patent right is identical to the registered assignee and the contents of the amendment are identical to the contents of the correction.

4. Fees which must be paid due to the amendment which increases the number of claims must be paid when submitting the Written Amendment.

5. Payment of fees based on the amendment (excluding fees according to the procedures made through submitting documents prepared in accordance with Format 2, Format 15-bis, Format 18, from Format 26 to Format 28-bis, Format 44, Format 53, Format 59, and Format 61-bis to

the Patent Office and fees provided in the previous subsection (including fees defined in mutatis mutandis application under Article 11-bis, paragraph 2)) must be made in accordance with Format 15.

(Format for Correction of Incorrect Translation)

**Article 11-bis.** A written Correction of an incorrect translation of Article 17-bis, paragraph 2 of the Patent Law shall be prepared in accordance with Format 15-bis.

2. The provisions of Article 11, paragraph 4 shall apply mutatis mutandis to the case where the amendment which increases the number of claims is made by submission of a written correction of an incorrect translation.

(Described Matters of the Disposition of the Dismissal of the Procedures)

**Article 11-ter.** The disposition of the dismissal based on the provision of Article 18-bis, paragraph 1 of the Patent Law or Article 184-quinquies, paragraph 3 of the Patent Law shall be rendered in writing stating the following matters.

- 1) Patent application number (Trial Number in procedures relating to the trial)
- 2) Name of a person who is proceeding and his or her representative
- 3) Procedures to be dismissed
- 4) Grounds for the disposition
- 5) Date of the disposition

(Format of the Statement of Explanation)

Article 11-quarter. Regarding the statement of explanation of Article 18-bis, paragraph 2 of the Patent Law or Article 133-bis, paragraph 2 of the Patent Law, a statement of explanation relating to the procedures made by documents prepared in accordance with Format 2, Format 4, Format 9, Format 11, Format 13, Format 15-bis, Format 16, Format 18, Format 20, Format 22, from Format 26 to Format 28-bis, Format 31-quinquies, from Format 32 to Format 34, Format 35, Format 38, Format 40, Format 42, Format 44, Format 46, Format 48, Format 50, from Format 52 to Format 55, Format 61-bis, Format 64-ter, Format 65-bis, Format 65-quarter, Format 65-sexies, Format 65-novies, Format 65-undecies, Format 65-terdecies, Format 65-quindecies, Format 65-septies decies, Format 65-undevicies, Format 65-unvicies, Format 65-tervicies, or Format 65-quinvicies and submitted to the Patent Office shall be prepared in accordance with Format 15-quarter, and a statement of explanation of other procedures shall be prepared in accordance with Format 15-quinquies.

(Services of Correspondence Delivery Designated by METI Ordinance set forth in Article 19 of the Patent Law)

**Article 11-quarter(2).** The services of correspondence delivery specified by the METI Ordinance set forth in Article 19 of the Patent Law shall quickly seal the date of the date stamp on the correspondence mail after accepting the correspondence mail.

(Format, etc., of written application for the resumption of procedures)

**Article 11-quinquies.** A motion for the resumption of procedures (excluding the resumption of the procedures by a successor due to inheritance or other general succession to the right to obtain a patent) shall be made in accordance with Format 16 in the case relating to the procedures of the examination of the patent application or the trial against Examiner's decision of refusal, and in other cases shall be made in accordance with Format 17.

2. When submitting the written motion defined in paragraph 1, documents certifying the authorization or the qualifications of the person resuming the procedures shall be attached.

(Format, etc., of Notification of Changing of the Assignee)

**Article 12.** Notification under Article 34, paragraph 4 or paragraph 5 of the Patent Law shall be made in accordance with Format 18.

2. Regarding the notification described in paragraph 1, two or more notifications may be made in one document only when the contents of the notifications are the same.
3. The notification of paragraph 1 and the application for registration of transfer of the patent right (if there are two or more patent rights, only when the purposes of the registrations are identical) may be made in one document only when the descendent or successor to the right to obtain a patent are the same as the licensee and the licensor of the patent right relating to the application.

(Identification, etc., of the Patent Number)

**Article 13.** A person submitting documents and other items relating to the patent right or the patent application after the application was filed to the Patent Office shall identify the patent number or the patent application number thereon.

2. A person submitting documents and other items relating to the application for the registration of extension of the term of the patent right after the application was filed to the Patent Office, shall identify the number of the patent application thereon.
3. A person submitting documents and other items relating to a request for a trial (excluding trials provided for in the following paragraph), a retrial, or an interpretation to the Patent Office after the request was made shall identify the trial number, the retrial number, or the request number of the interpretation thereon.
4. A person submitting documents and other items relating to the request for trial against Examiner's decision of refusal to the Patent Office after the request was made shall identify the trial number, the number of the patent application relating to the trial, or the number of the application for the registration of extension of the term thereon.

(Provision of Information)

**Article 13-bis.** Any person may provide information which indicates that the patent application corresponds to any of the following items by submitting a copy of publications, or the specification, the claim, or the drawings attached to the request of a patent application or a Utility Model application, or other documents to the Director General of the Patent Office. However, this shall not apply when the patent application is no longer pending before the Patent Office.

- 1) The amendment made concerning the specification, claims or the drawings attached to the request of the patent application (excluding the foreign language file application of Article 36-bis, paragraph 2 of the Patent Law, the foreign language patent application of Article 184-quarter, paragraph 1 of the Patent Law, and the international patent application which was deemed to be a patent application under Article 184-vicies, paragraph 4 of the Patent Law and which was made in a foreign language) does not satisfy the requirements prescribed in Article 17-bis, paragraph 3 of the Patent Law.
- 2) The invention according to the patent application is unpatentable based on the provisions of Article 29 of the Patent Law, Article 29-bis of the Patent Law, or Article 39, paragraph 1 to paragraph 4 of the Patent Law.
- 3) The patent application does not satisfy the requirements prescribed in Article 36, paragraph 4 of the Patent Law or paragraph 6 (excluding item 4) of the Patent Law.
- 4) In the case that the patent application is a foreign language file application of Article 36-bis, paragraph 2 of the Patent Law, the features described in the specification, claims, or drawings originally attached to the request of the patent application do not remain within the range of the foreign language file application of Article 36-bis, paragraph 1 of the Patent Law.



2. The provision of information as prescribed in the previous paragraph shall be made in accordance with the documents prepared in accordance to Format 20.

3. The documents of the previous paragraph, notwithstanding the provisions of Article 1, paragraph 3, do not require the seal of the person submitting.

4. The documents of paragraph 2, notwithstanding the provisions of Article 1, paragraph 3, may omit descriptions of the name, residence, or domicile of the person submitting, or the name of the representative in the case of a legal corporation.

Article 13-ter. Any person may provide information which shows that the patent corresponds to any of the following items to the Director General of the Patent Office by submitting publications, a copy of the specification, claims, or the drawings attached to the request of the patent or utility model application, or other documents.

1) The patent has been granted on a patent application (excluding the foreign language file application of Article 36-bis, paragraph 2 of the Patent Law, the foreign language patent application of Article 184-quarter, paragraph 1 of the Patent Law, and the international patent application which was deemed to be a patent application under Article 184-vicies, paragraph 4 of the Patent Law and which was made in a foreign language) on which the amendment which does not satisfy the requirements prescribed in Article 17-bis, paragraph 3 of the Patent Law was made.

2) The patent violates the provisions of Article 29 of the Patent Law, Article 29-bis of the Patent Law, or Article 39, paragraphs 1 to 4 of the Patent Law.

3) The patent has been granted on a patent application which does not satisfy the requirements prescribed in Article 36, paragraph 4, item 1 of the Patent Law or Article 36, paragraph 6 (excluding item 4) of the Patent Law.

4) The features described in the specification, claims, or the drawings attached to the request of the patent according to the foreign language file application of Article 36-bis, paragraph 2 of the Patent Law do not remain within the range of the features described in the foreign language file of Article 36-bis, paragraph 1 of the Patent Law.

5) The correction of the specification, claims, or the drawings attached to the request of the patent violates the proviso to Article 126, paragraph 1 or paragraphs 3 to 5 of the Patent Law (including its application mutatis mutandis under Article 134-bis, paragraph 5 of the Patent Law), or the proviso to Article 134-bis, paragraph 1 of the Patent Law.

2. For the provision of information as prescribed in the previous paragraph, the documents shall be made in accordance with Format 20.

3. The provisions of paragraph 3 and paragraph 4 of the preceding Article shall apply mutatis mutandis to the documents of the previous paragraph.

(Format of Submission of Documents and other Items)

**Article 14.** When the applicant who is requested to submit documents and other items relating to the patent application as provided in Article 194, paragraph 1 of the Patent Law submits documents and other items, the submission shall be made in accordance with Format 22.

2. When a person who was subjected to an interrogation by the provisions of Article 134, paragraph 4 of the Patent Law (including its application mutatis mutandis under Article 71, paragraph 3 of the Patent Law, and Article 174, paragraph 1 to 3 of the Patent Law) submits documents and other items, the submission shall be made in accordance with Format 22, in the case of a trial against Examiner's decision of refusal and in other cases, shall be made in accordance with Format 23.

(Return of Items)

**Article 15.** A person who wishes models, samples, or evidence submitted to the Patent Office to be returned should propose this when they are submitted.

2. The procedures for reception of the models, samples, or evidence of the previous paragraph shall be made within 30 days from the day the notification of the return was received from the Patent Office.

(Delivery)

**Article 16.** The document to be delivered shall be a transcript or duplicate of the document, except as otherwise provided.

2. The documents to be delivered as prescribed in Article 189 of the Patent Law are a disposition for the dismissal by the provisions of Article 18 of the Patent Law, Article 18-bis, paragraph 1, Article 133, paragraph 3 (including its application mutatis mutandis under Article 71, paragraph 3 and Article 174, paragraph 1 to paragraph 3 of the Patent Law), Article 133-bis, paragraph 1 of the Patent Law (including its application mutatis mutandis under Article 71, paragraph 3 of the Patent Law, and Article 174, paragraphs 1 to 3 of the Patent Law), and Article 184-quinquies, paragraph 3 of the Patent Law, and a certified copy of a ruling as prescribed in Article 184-vicies, paragraph 3 of the Patent Law.

3. Where a substituted service under the provisions of the Code of Civil Procedure (Act No. 109 of 1996) Article 106, paragraph 2 as applied under Article 190 of the Patent Law has been made, an official or a trial clerk designated by the Director General of the Patent Office shall notify the person who received the service to that effect.

4. The services of correspondence delivery set forth in Article 107, paragraph 1 of the Code of Civil Procedure to be applied mutatis mutandis in Article 190 of the Patent Law and the METI Ordinance on the basis of the provision of Article 192, paragraph 2 of the Patent Law reside in accepting the correspondence mail and recording the delivery.

(Notification of the Continuation of the Procedures)

**Article 17.** The Director General of Patent Office or the trial examiner-in-chief shall, when continuing the procedure with respect to the successor of the right relating to a patent right or any right relating to a patent under Article 21 of the Patent Law, notify the interested parties to that effect.

(Certified Copy of Documents, etc)

**Article 18.** The certified copy of documents or an extract of documents to be prepared in the Patent Office shall state and certify that there are no differences from the original, and shall be signed and sealed by an official or a trial clerk designated by the Director General of the Patent Office.

2. The document which describes the matters whose contents are stored on the magnetic tapes that constitute a part of the Patent Registry to be prepared in the Patent Office states and certifies that the matters to be stated have no differences from the matters recorded in the Patent Registry, upon a person requesting the issuance of the documents, and an official designated by the Director General of the Patent Office shall affix his/her name and seal thereto.

3. When a person requesting the issuance of a certified copy or an extract of documents to be prepared in the Patent Office submits the necessary documents, a certified copy or an extract of documents may be prepared using the same.

4. A person requesting the issuance of a certificate concerning documents for claiming a priority concerning a patent application in a country party to the Paris Convention, a member of the World Trade Organization, or a specific country specified in Article 43-bis, paragraph 2 of the Patent Law shall submit documents describing that the priority should be claimed and the country in which the patent application is to be filed. In such a case, the Director General

of Patent Office, may, if necessary, request the submission of documents necessary to claim the priority.

## **Chapter 2 Designation of Academic Society**

(Written Application)

**Article 19.** The academic society which receives the designation under Article 30, paragraph 1 of the Patent Law shall submit a written application prepared in accordance with Format 24 to the Director General of the Patent Office.

2. The article of incorporation of the academic society or the equivalent, and the published journal shall be attached to the written application of the previous paragraph.

3. The written application of paragraph 1, notwithstanding Article 1, paragraph 3, does not require the seal of the representative or the administrator.

(Trial Examination)

**Article 20.** Upon receipt of the written application of the preceding Article, paragraph 1, the Director General of Patent Office shall examine the article of incorporation or the equivalent, the published journal, members, the planning of the holding of a study meeting of the academic society, and other important matters.

(Designation)

**Article 21.** Where the Director General of the Patent Office has designated the academic society under Article 30, paragraph 1 of the Patent Law, this shall be notified to the academic society, and, shall be published in the patent gazette.

2. Where the Director General of the Patent Office has not designated the academic society under Article 30, paragraph 1 of the Patent Law, this and the reasons thereof shall be notified to the academic society.

(Rescission of Designation)

**Article 22.** Upon recognition of the fact that the designation concerning an academic society designated under Article 30, paragraph 1 of the Patent Law has been found inappropriate, the Director General of the Patent Office may rescind the designation.

2. Where the Director General of the Patent Office has rescinded the designation pursuant to the provision of the previous paragraph, this and the reasons therefore shall be notified to the academic society, and, this shall be published in the patent gazette.

## **Chapter 2(2) Designation of Exhibition**

(Written Application)

**Article 22-bis.** Where the person holding an exhibition receives designation under Article 30, paragraph 3 of the Patent Law, a written application prepared in accordance with Format 25 shall be submitted to the Director General of the Patent Office within one month of the day of the holding of the exhibition.

2. Where the person who holds an exhibition is a legal entity, the article of incorporation or the equivalent shall be attached to the written application of the previous paragraph.

3. The written application of paragraph 1, notwithstanding Article 1, paragraph 3, does not require the seal of the person holding an exhibition.

(Proceedings)

**Article 22-ter.** Upon receipt of the written application of the preceding Article, paragraph 1,

the Director General of the Patent Office shall proceed with the name of the exhibition, the purpose of the exhibition, the location of the exhibition, the duration of the exhibition, the qualifications of the exhibitors, the number of exhibitors, the type of articles exhibited, the qualifications of the attendees, and other necessary matters.

(Designation, etc)

**Article 22-quarter.** The provision of Article 21 and Article 22 shall apply mutatis mutandis to the designation of the exhibition under Article 22-bis and 22-ter. In such a case, “designation under Article 30, paragraph 1 of the Patent Law” in Article 21 and Article 22 paragraph 1 should read “designation under Article 30, paragraph 3 of the Patent Law”, “the academic society” in Article 21 and Article 22 paragraph 2 should read “the person holding an exhibition”, and “an academic society” in Article 22 paragraph 1 should read “exhibition”.

### **Chapter 3 Patent Application**

(Format of the Application)

**Article 23.** The request (excluding those described in paragraph 2 to paragraph 5) shall be prepared in accordance with Format 26.

2. The request for the foreign language file application of Article 36-bis, paragraph 2 of the Patent Law shall be prepared in accordance with Format 26-bis.

3. The request for the patent application under Article 44, paragraph 1 of the Patent Law shall be prepared in accordance with Format 27.

4. The request for the patent application under Article 46, paragraph 1 or paragraph 2 of the Patent Law shall be prepared in accordance with Format 28.

5. The request for the patent application based on the utility model application under Article 46, paragraph 1 of the Patent Law shall be prepared in accordance with Format 28-bis.

6. Where a patent application is made for the results of specified research and development, etc., prescribed in the Industrial Technology Enhancement Act (Act No. 44 of 2000) Article 19, this shall be described in the request.

(Format of the Specification)

**Article 24.** The specification to be attached to the request shall be prepared in accordance with Format 29.

(Detailed Description of the Invention)

**Article 24-bis.** The description specified by the Ordinance of METI set forth in Article 36, paragraph 4, item 1 of the Patent Law shall describe the problem to be solved by the invention, the means for solving the problems, and the matters necessary for a person with ordinary skill in the art to which the invention pertains to understand the technological significance of the invention.

(Description of the Claims)

**Article 24-ter.** The description of claims specified by the Ordinance of METI set forth in Article 36, paragraph 6, item 4 of the Patent Law shall be as provided for in the following items.

1) The respective claims shall be described in separate paragraphs and identified by claim numbers assigned thereto.

2) The claim numbers assigned to the claims shall be sequential serial numbers.

3) In the description of a claim, reference to other claims shall be made by the claim numbers assigned thereto.

4) When a claim refers to another claim, the claim shall not precede the other claim to which it refers.

(Format of the Claims)

**Article 24-quarter.** Claims to be attached to the request shall be prepared in accordance with Format 29-bis.

(Format of the Drawings)

**Article 25.** The drawings to be attached to the request shall be prepared in accordance with Format 30.

(Description of the Abstract)

**Article 25-bis.** The matter specified by Ordinance of METI set forth in Article 36, item 7 of the Patent Law shall be the number attached to the drawing which is considered most appropriate to be described in the patent gazette together with the summary of the invention described in the specification, the claims, or the drawings, in a laid-open application or the patent gazette provided in Article 66, paragraph 3 of the Patent Law.

(Format of the Abstract)

**Article 25-ter.** The Abstract shall be prepared in accordance with Format 31.

(Language of the Foreign Language File Application)

**Article 25-quarter.** The foreign language specified by the Ordinance of METI set forth in Article 36-bis, paragraph 1 of the Patent Law is English.

(Format of the Foreign Language File)

**Article 25-quinquies.** Regarding the foreign language file of Article 36-bis, paragraph 1 of the Patent Law, the specification shall be prepared in accordance with Format 31-bis, claims shall be prepared in accordance with Format 31-bis(2), and the drawings shall be prepared in accordance with Format 31-ter.

(Format of the foreign language abstract)

**Article 25-sexies.** A foreign language abstract of Article 36-bis, paragraph 1 of the Patent Law shall be prepared in accordance with Format 31-quarter.

(Format, etc., of the Translation)

**Article 25-septies.** The submission of the translation of Article 36-bis, paragraph 2 of the Patent Law shall use a notification form for the submission of a translation prepared in accordance with Format 31-quinquies.

2. Regarding the translations of the foreign language file of Article 36-bis, paragraph 2 of the Patent Law, the translation of the specification shall be prepared in accordance with Format 31-sexies, the translation of claims shall be prepared in accordance with Format 31-sexies(2), and the translation of the drawings shall be prepared in accordance with Format 31-septies.

3. The translation of the foreign language abstract of Article 36-bis, paragraph 2 of the Patent Law shall be prepared in accordance with Format 31-octies.

(Unity of Invention)

**Article 25-octies.** The technical relationship specified by the Ordinance of METI set forth in Article 37 of the Patent Law is the technical relationship of two or more inventions which have the same or corresponding special technical feature, and hence, are associated with each

other to form a single general inventive idea.

2. The special technical feature under the previous paragraph is a technical feature clearly providing a contribution over the prior art of the invention.

3. The presence or absence of the technical relationship prescribed in paragraph 1 shall be judged, regardless of whether two or more inventions are described in separate claims or are described in an alternative form in a single claim.

(Trust)

**Article 26.** Where the applicant is a trustee of a trust to the right to obtain a patent, the following matters shall be described in the request.

1) Name and Domicile or Residence of a trustor and a beneficiary

2) Where conditions concerning the designation of a beneficiary are specified or a method for the designation of a beneficiary is specified, such specification

3) Where there is a trust administrator, the name and the domicile or residence thereof

4) Where there is a beneficiary's representative, the name and the domicile or residence thereof

5) In case of a trust that issues a beneficiary certificate defined in Article 185, paragraph 3 of the Trust Act (Act No. 108 of 2005), a statement to that effect

6) In case of a trust that does not designate a beneficiary prescribed in Article 258, paragraph 1 of the Trust Act, a statement to that effect

7) In case of a charitable trust under Article 1 of the Act on Charitable Trusts (Act No. 62 of 1922), a statement to that effect

8) Purpose of Trust

9) Method of Administration of Trust Property

10) Reason for Termination of Trust

11) Other Trust Provisions

2. When any of the matters under paragraph 1, item 2 to item 6 are described, it is not necessary to describe the name and the domicile or residence of the beneficiary of item 1 of said paragraph (limited to the beneficiary for whom the beneficiary's representative represents, if matters set forth in item 4 of said paragraph are described).

3. The provisions of paragraph 1 and paragraph 2 shall apply mutatis mutandis to the case where a trustee of a trust makes the notification under Article 34, paragraph 4 of the Patent Law.

4. When a trustee of a trust reports the conversion of matters set forth in the items of paragraph 1, this shall be made in accordance with Format 32.

5. A notification of the conversion concerning the right to obtain a patent based on the provisions of Article 2, paragraph 10, paragraph 11, or Article 3, item 3 of the Trust Act shall be made in accordance with Format 32-bis.

6. In the case referred to in paragraph 2 (excluding the case of a change according to paragraph 1, item 1, item 3, and item 4), documents certifying the facts of the conversion shall be attached.

(Description, etc., of shares)

**Article 27.** When notifying under Article 34, paragraph 4 or paragraph 5 of the Patent Law, if the respective shares of the rights of the person who notifies are specified, the provision of Article 73, paragraph 2 of the Patent Law is specified, or if there is a contract of the proviso to Article 256, paragraph 1 of the Civil Code (Act No. 89 of 1896), this may be described in the notification. In such a case, documents certifying the description thereof shall be submitted.

2. When two or more co-applicants jointly file a patent application, if their respective shares has been agreed regarding the rights of the applicant, the provision described in the proviso to

Article 73, paragraph 2 of the Patent Law has been agreed, or if there is a contract prescribed in the proviso to Article 256, paragraph 1 of the Civil Code, this may be described in the request. In such a case, the Director General of the Patent Office, in regards to the described matters, may, if necessary, request the submission of documents certifying the facts.

3. Where paying the fees under Article 195, paragraph 5 of the Patent Law, notwithstanding paragraphs 1 and 2, the ratios of the shares of the co-applicants or co-owners other than the State shall be described in documents such as a request, a written correction of an incorrect translation, a written request for correction, a written demand, or documents described in Article 184-quinquies, paragraph 1 of the Patent Law, or documents relating to the notification described in Article 184-duodecies, paragraph 1 of the Patent Law, and the documents certifying the respective shares shall be submitted. In such a case, a person who has already submitted documents certifying the shares to the Patent Office, where there is no conversion of the matters, may omit the submission of documents certifying the shares.

4. Where the fees for the request for examination are paid based on the provisions of Article 195, paragraph 6 of the Patent Law, notwithstanding paragraph 1 and paragraph 2, in the case of co-applicants including the State, the ratios of the shares of the applicants other than the State shall be described in Request for Substantive Examination, and in the case of co-applicants including those entitled to receive a reduction or exemption (hereinafter, referred to as “reduction/exemption”) under Article 195-bis of the Patent Law or any other laws or ordinances, the ratios of the shares of the applicants entitled to receive a reduction/exemption shall be described in Request for Substantive Examination, and documents certifying the shares shall be submitted. In such a case, a person who has already submitted the documents certifying the shares to the Patent Office, where there is no conversion of the matters, may omit the submission of the documents certifying the shares.

(Deposit of Microorganisms)

**Article 27-bis.** A person who files a patent application for an invention related to a microorganism shall attach to the request a copy of the latest receipt of the deposit issued by the international depositary authority defined in Article 2 (viii) of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter referred to as “Treaty”) based on Rule 7 of the Regulations of the Treaty for the deposit of the microorganism, or a document certifying the fact that the microorganism has been deposited with an institution designated by the Director General of the Patent Office, except where the microorganism is readily available to a person skilled in the art to which the invention pertains.

2. Where a new accession number is attached regarding the deposit of microorganisms of the preceding paragraph after the filing of a patent application, the applicant or the patentee shall notify the Director General of the Patent Office thereof without delay.

3. The notification of the preceding paragraph shall be made in accordance with Format 33.

(Furnishing of a Sample of the Microorganism)

**Article 27-ter.** A person who intends to test or perform research on an invention involving microorganisms deposited under the provisions of the preceding Article, may be furnished with a sample of the microorganism in the following cases.

1) Where the registration of the establishment of the patent right regarding an invention involving the microorganism has been made.

2) Where documents describing the contents of the invention involving the microorganism under Article 65, paragraph 1 of the Patent Law are submitted and a warning is received.

3) Where a sample is necessary to prepare an argument of Article 50 of the Patent Law (including its *mutatis mutandis* application under Article 159, paragraph 2 of the Patent Law

(including its mutatis mutandis application under Article 174, paragraph 1 of the Patent Law) and Article 163, paragraph 2).

2. No person entrusted to be furnished with a sample of the microorganism by the provisions of the preceding paragraph shall allow the sample of the microorganism to a third party.

(Submission of Certificates for the Application of the Provision Concerning Exception to Loss of Novelty of Invention)

Article 27-ter(2). The submission of certificates to be submitted

under Article 30, paragraph 4 of the Patent Law shall be made in accordance with Format 34.

(Submission of Certificates for a Priority Claim, etc., under the Paris Convention)

**Article 27-ter(3).** The submission of certificates to be submitted under Article 43, paragraph 2 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law) shall be made in accordance with Format 36.

2. The cases specified by METI Ordinance set forth in Article 43, paragraph 5 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law) shall be as follows.

1) When the applicant filed a patent application claiming the priority under Article 43, paragraph 1 of the Patent Law based on the patent application filed in the United States of America (limited to the case when it is verified that when the Director General of the Patent Office intends to be provided with the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law by electromagnetic means (hereinafter, referred to as “electromagnetic means” in the following paragraphs and the next paragraph) specified in Article 43, paragraph 5 of the Patent Law), the Director General of the Patent Office can be provided with the matters, the Republic of Korea, or a contracting country of the Convention on the Grant of European Patents (limited to the case when documents with respect to the patent application are submitted to the European Patent Office (hereinafter, referred to as the “European Patent Office”) specified in Article 4 of the Convention on the Grant of European Patents. Hereinafter the same shall apply in this paragraph).

2) In the case of filing an application claiming a priority under the Paris Convention Article 4 D(1) on the basis of the patent application on the basis of which the priority is claimed under Article 43, paragraph 1 of the Patent Law in the United States of America, when the applicant of the patent application accompanying the priority claim under the Paris Convention Article 4 D(1) submitted the same documents as those specified in Article 43, paragraph 2 of the Patent Law to the United States of America (limited to the case when it is verified that when the Director General of the Patent Office intends to be provided with the matters described in the documents specified in the same paragraph by electromagnetic means, the Director General of the Patent Office can be provided with the matters) or requested the United States of America to be provided with the same matters as the matters described in the documents specified in the same paragraph from any of the following countries or the international organization, and, when the United States of America was provided with the matters in response to the request (limited to the case when it is verified that when the Director General of the Patent Office intends to be provided with the matters described in the documents specified in the same paragraph by electromagnetic means, the Director General of the Patent Office can be provided with the matters).

A. Country in which the patent application on which the priority claim is based was filed

B. European Patent Office

C. World Intellectual Property Organization (World Intellectual Property Organization specified in Article 1 of the WIPO Convention. Hereinafter the same shall apply in this paragraph)

D. In addition to the countries or organization listed in A to C, a country or an international



organization which can provide the same matters as the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law to the United States of America by electromagnetic means

3) When filing a patent application claiming a priority under the Paris Convention Article 4D(1) on the basis of a patent application from which the priority defined in Article 43, paragraph 1 of the patent Law was claimed in a contracting country of the Convention on the Grant of European Patents, the case when the applicant of the patent application claiming the priority under the Paris Convention Article 4D(1) submitted the same documents as the documents specified in Article 43, paragraph 2 of the Patent Law to the European Patent Office, or when the applicant requested the European Patent Office to be provided with the same matters as the matters described in the documents specified in the same paragraph 2 from the following countries or the international organization, and, in response to the request, the European Patent Office was provided with the matters

A. Country in which the patent application from which the priority was claimed was filed

B. the United States of America

C. World Intellectual Property Organization

D. In addition to the countries or organization listed in A to C, a country or an international organization which can provide the same matters as the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law to the European Patent Office by electromagnetic means

4) When the applicant of a patent application from which the priority was claimed under Article 43, paragraph 1 of the Patent Law offers to provide the Director General of the Patent Office with the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law by electromagnetic means to the country in which the patent application was filed through the World Intellectual Property Organization (limited to the case when it is verified that when the Director General of the Patent Office intends to be provided with the matters described in the documents specified in the same paragraph by electromagnetic means, the Director General of the Patent Office can be provided with the matters)

5) When filing a patent application claiming the priority under the Paris Convention Article 4 D(1) on the basis of an application from which the priority was claimed under Article 43, paragraph 1 of the Patent Law in a country party to the Paris Convention, the applicant of the patent application filed claiming the priority under the Paris Convention Article 4 D(1) offers to provide the Director General of the Patent Office with the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law by electromagnetic means to the country in which the patent application claiming the priority was filed through the World Intellectual Property Organization (limited to the case when it is verified that when the Director General of the Patent Office intends to be provided with the matters described in the documents specified in the same paragraph by electromagnetic means, the Director General of the Patent Office can be provided with the matters)

3. The matters specified by Ordinance of METI set forth in Article 43, paragraph 5 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law ) are as follows.

1) The number of the patent application from which the priority was claimed under Article 43, paragraph 1 of the Patent Law

2) In the cases prescribed in Article 43, paragraph 1, item 2 or 3, in addition to the matters specified in items 2 and 3, the name of the country or the name of the international organization to which the applicant offered to provide the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law to the Director General of the Patent Office by electromagnetic means, and the number of the patent application filed in the country or the international organization

3) In the cases prescribed in Article 43, paragraph 1, item 4 or item 5, in addition to the matters prescribed in item 1, the name of the international organization to which the applicant offered to provide the matters described in the documents specified in Article 43, paragraph 2 of the Patent Law to the Director General of the Patent Office by electromagnetic means

4. Any person who desires the application of Article 43, paragraph 5 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law), when claiming the priority under Article 43, paragraph 1 on the basis of an application for a patent which is effective in two or more countries (hereinafter, referred to as “regional patent”), shall describe the name of the organs possessing the authority to grant a regional patent in documents under Article 43, paragraph 1.

(Procedures when Requesting the Application of Exception to Loss of Novelty of Invention, etc)

**Article 27-quarter.** Any person who desires the application of Article 30, paragraph 1 of the Patent Law or paragraph 3 of the Patent Law, or a person who desires to claim a priority under Article 41, paragraph 4 of the Patent Law or Article 43, paragraph 1 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law. Same in the following Article) regarding the patent application may omit the submission of documents stating a request for the application of Article 30, paragraph 4 of the Patent Law, Article 30, paragraph 1 of the Patent Law or paragraph 3 of the Patent Law or documents under Article 41, paragraph 4 of the Patent Law or Article 43, paragraph 1 of the Patent Law by stating such a desire and the necessary matters in the request of the patent application.

2. A person who intends to submit documents (Hereinafter, referred to as “document with application number”) which state the number of the patent application from which the priority was claimed under the provision of Article 43, paragraph 1 based on Article 43, paragraph 3 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law) together with the documents prescribed in Article 43, paragraph 2 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law. Hereinafter the same shall apply in this paragraph) may omit the submission of the document with application number by stating the number of the patent application from which the priority was claimed and the necessary matters in the documents to be submitted under Article 43, paragraph 1. The same shall apply when filing the patent application, wherein a person who intends to submit a document with application number together with the documents prescribed in Article 43, paragraph 2 of the Patent Law states the number of the patent application from which the priority was claimed and the necessary matters in a request.

3. A person who intends to submit documents which describe the matters in any item of Article 27-ter(3), paragraph 3 under Article 43, paragraph 5 of the Patent Law (including its mutatis mutandis application under Article 43-bis, paragraph 3 of the Patent Law) may omit the submission of documents by describing the matters in a request of the patent application.

(Patent Application, etc., Including a Base Sequence or Amino Acid Sequence)

**Article 27-quinquies.** A person making a patent application which includes a base sequence or amino acid sequence (Hereinafter, referred to as “sequence” in this Article) shall describe the sequence listing prepared as stipulated by the Director General of the Patent Office and the matters stipulated by the Director General of the Patent Office concerning the sequence listing in the specification attached to the request of the application (including a translation of the foreign language file (excluding the claims and drawings) deemed to be the specification under Article 36-bis, paragraph 4 of the Patent Law. Same in this Article).

2. When filing the patent application as prescribed in paragraph 1 (in the case of the foreign language file application of Article 36-bis, paragraph 2 of the Patent Law, when submitting the translation of paragraph 2), a magnetic disk on which the sequence listing of the preceding paragraph has been recorded in accordance with the formality requirements stipulated by the Director General of the Patent Office (including other mediums which can reliably record certain matters by equivalent methods. The same shall apply hereinafter.) shall be submitted to the Director General of the Patent Office.
3. The provisions of the preceding paragraph shall apply mutatis mutandis to the amendment under Article 17-bis, paragraph 1 of the Patent Law regarding the sequence listing specified in paragraph 1.
4. When submitting the magnetic disk under the provisions of paragraph 2, form of submission of an article prepared in accordance with Format 22 shall be attached to the magnetic disk.
5. When submitting the magnetic disk under paragraph 2 and paragraph 3, a written statement that the sequence stated in the specification attached to the request and the sequence recorded on the magnetic disk are the same shall be attached to the magnetic disk.
6. The matters recorded on the magnetic disk submitted according to the provisions of paragraph 2 and paragraph 3 are not deemed to be matters described in the specification attached to the request.

(Patent Application based on Utility Model Registration)

**Article 27-sexies.** The owner of the utility model right, when filing a patent application on the basis of the Utility Model Registration under Article 46, paragraph 1 of the Patent Law, shall apply for the cancellation of registration by abandonment of the utility model right under Article 2-ter of the Utility Model Registration Order Enforcement Regulation (Ordinance of the Ministry of International Trade and Industry, No. 34 of 1960).

(Notification of Patent Application Number)

**Article 28.** Upon receipt of the request, the Director General of the Patent Office shall attach a patent application number thereto, and the number shall be notified to the applicant.

(Abandonment of the Patent Application)

**Article 28-bis.** The abandonment of the patent application shall be made in accordance with Format 38.

(Withdrawal of Patent Application)

**Article 28-ter.** The withdrawal of the patent application shall be made in accordance with Format 40.

(Withdrawal of Priority Claim Based on the Patent Application, etc.)

**Article 28-quarter.** The withdrawal of a priority claim under Article 41, paragraph 1 of the Patent Law shall be made in accordance with Format 42.

(Publication in the Patent Gazette that an Agreement was Reached)

**Article 29.** When the applicants were ordered to hold consultations for agreement and report the result thereof under Article 39, paragraph 7 of the Patent Law, if only one applicant is agreed upon after mutual consultation, the following matters shall be published in the Patent Gazette under Article 66, paragraph 3 of the Patent Law concerning the patent application.

- 1) that an Agreement was reached
- 2) the names and the domiciles or residences of the applicants other than the one applicant

agreed upon after mutual consultation

3) the names and domiciles or residences of the inventors of the inventions according to the applications in the name of the other applicants prescribed in item 2

(Amendment when Filing a Division of a Patent Application)

**Article 30.** Where a new patent application is intended under Article 44, paragraph 1, item 1 of the Patent Law, when it is necessary to amend the specification, claims, or the drawings attached to the request of the original patent application, the amendment of the specification, claims, or the drawings attached to the request of the original patent application shall be filed at the same time as the new patent application.

(Omission of Submission of Documents)

**Article 31.** When intending to file a patent application containing a priority claim under Article 41, paragraph 1 of the Patent Law, where the certificates which are prescribed in Article 30, paragraph 4 of the Patent Law and which were submitted for a prior application do not require conversion, this may be indicated in the request accordingly, and the submission thereof may be omitted.

2. When intending to file a new patent application under Article 46, paragraph 1 or paragraph 2 of the Patent Law, where the certificates which are prescribed in Article 4-ter to Article 7 or Article 8, paragraph 1 and which were submitted for the original Utility Model application or design application do not require conversion, this may be indicated in the request accordingly, and the submission thereof may be omitted.

3. When intending to file a new patent application under Article 46, paragraph 1 or paragraph 2 of the Patent Law, the drawings attached to the request of the original Utility Model application or design application do not require conversion, this may be indicated in the request accordingly, and the submission thereof may be omitted.

4. When intending to file a patent application on the basis of the Utility Model registration under Article 46-bis, paragraph 1 of the Patent Law, where the certificates which are prescribed in Article 4-ter to Article 7, or Article 8, paragraph 1 and which were submitted for the Utility Model registration do not require conversion, this may be indicated in the request accordingly, and the submission thereof may be omitted.

5. When intending to file a patent application on the basis of the Utility Model registration under Article 46-bis, paragraph 1 of the Patent Law, where the drawings attached to the request of the Utility Model registration do not require conversion, this may be indicated in the request accordingly, and the submission thereof may be omitted.

## **Chapter 4 Examination of the Patent Application**

(Format of Request for Substantive Examination)

**Article 31-bis.** The Request for Substantive Examination shall be prepared in accordance with Format 44.

2. When desiring the application of the provisions of Article 95-bis of the Patent Law, Article 13, paragraph 4 of the Act on the Promotion of Technology Transfer from Universities to Private Business Operators (Act No. 52 of 1998. Hereinafter, referred to as “Act on the Promotion of Technology Transfer from Universities”), Article 57 of the Act on Special Measures for Industrial Revitalization and Innovation (Act No. 131 of 1999) or Article 17, paragraph 2, item 1 to item 5, item 10, and item 11 of the Industrial Technology Enhancement Act, this shall be stated in the Request for Substantive Examination.

3. When desiring the application of the provision of Article 17, paragraph 2, item 6 to item 9 or Article 18, paragraph 2 of the Industrial Technology Enhancement Act, this and the

confirmation number specified in Article 7, paragraph 2 or Article 8, paragraph 2 of the Industrial Technology Enhancement Act Enforcement Regulations (Ordinance of the Ministry of International Trade and Industry, No. 99 of 2000) shall be stated in the Request for Substantive Examination.

4. The search report specified in Article 39-bis of the Special Exemption Law under Article 39-ter thereof shall be indicated by stating the search report number defined in Article 60-bis, item 1 of the Ordinance for Enforcement of the Special Exemption Law, in the Request for Substantive Examination.

5. When seeking the application of Article 9, paragraph 2 of the Act on Enhancement of Small and Medium Sized Enterprises' Core Manufacturing Technology (Act No. 33 of 2006), this and the confirmation number specified in Article 6, paragraph 2 of the Enforcement Ordinance on Enhancement of Small and Medium Sized Enterprises' Core Manufacturing Technology (METI Ordinance, item 77 of 2006) shall be stated in the Request for Substantive Examination.

(Submission of Explanation of Circumstances concerning Preferential Examination)

**Article 31-ter.** The applicant, with respect to a preferential examination under Article 48-sexies of the Patent Law, may submit a written explanation of circumstances which describes the circumstances of working of the inventions according to the patent application and which is attached with the documents or items as evidence to the Director General of the Patent Office. The same shall apply to a person who works, as a business, the inventions according to the patent application of another person which has been laid open.

2. The written explanation of circumstances prescribed in the preceding paragraph shall be prepared in accordance with Format 46.

3. The written explanation of circumstances of the preceding paragraph, notwithstanding Article 1, paragraph 3, does not require the seal of the person making the submission.

(Format, etc., of the Argument)

**Article 32.** The argument prescribed in Article 48-septies of the Patent Law and Article 50 shall be prepared in accordance with Format 48.

2. The argument of the preceding paragraph shall describe the necessary methods of evidence, and where there is evidence, the evidence shall be attached thereto.

3. The provisions of Article 50, paragraph 2 and paragraph 4 shall apply mutatis mutandis to the evidence of the preceding paragraph. In such a case, "shall be provided to each of the opposing parties (where there are representatives reported as provided in the proviso to Article 14 of the Patent Law, each of the representatives) in addition to the Patent Office." in Article 50, paragraph 2 should read "shall be submitted".

(Matters to be Described in the Decision for Declining the Amendment)

**Article 33.** A ruling to decline the amendment based on the provisions of Article 53, paragraph 1 of the Patent Law shall describe the following matters, and shall be signed and stamped by the Examiner who made the ruling.

- 1) patent application number
- 2) title of the invention
- 3) names of the applicant and the representative
- 4) conclusion and reasons for the decision
- 5) date of the decision

**Article 34.** deleted

(Matters to be Stated in Examiner's Decision)

**Article 35.** The Examiner's decision shall describe the following matters, and shall be signed and stamped by the Examiner who made the decision. However, when an Examiner's decision is made to finally reject an application, it is not necessary to state the matter specified in item 3.

- 1) patent application number
- 2) title of the invention
- 3) number of claims
- 4) names of the applicant and the representative
- 5) conclusion and reason for the Examiner's decision
- 6) date of the Examiner's decision

(Notification to a Person who is Entitled to Obtain a Patent)

**Article 36.** When an Examiner's decision to reject the patent application was made for the reason that the applicant is not a person who has succeeded to the right to obtain a patent, the Director General of the Patent Office shall notify this to a person who is entitled to obtain a patent, if the Director General finds it specifically necessary.

(Delivery of Certified Copy of Decision)

**Article 37.** When a decision is made with respect to the examination, the Director General of the Patent Office shall deliver a certified copy thereof to the applicant, unless otherwise provided for in laws and regulations.

## **Chapter 4(2) Laying-Open of Patent Application**

(Format of Request to Lay Open Patent Application)

**Article 38.** The request to lay open a patent application shall be prepared in accordance with Format 50.

## **Chapter 4(3) Special Provisions concerning International Applications under the Patent Cooperation Treaty**

(Format, etc., of the Translation)

**Article 38-bis.** The translation of Article 184-quarter, paragraph 1 or paragraph 2 of the Patent Law or Article 184-duodecies, paragraph 2 shall be prepared in accordance with Format 51 or Format 51-bis, Format 51-bis(2), Format 51-ter, and Format 51-quarter.

2. The submission of the Japanese translation of the amended claims under Article 184-quarter, paragraph 4 of the Patent Law shall be made in accordance with Format 52.

(Special Provisions of International Filing Date)

**Article 38-bis(2).** The Director General of the Patent Office, regarding the International Patent Application whose international filing date is accorded under the provisions of Regulations 20.3(b)(ii) and 20.6(b) under the Patent Cooperation Treaty (hereinafter, referred to as "Regulations"), shall notify the applicant of the International Patent Application that the international filing date of the International Patent Application is the international filing date that was recognized under any of Regulations 20.3(b)(i), 20.5(b), and 20.5(c).

2. The applicant of an International Patent Application may submit an argument, only within the period of time which is designated by the Director General of the Patent Office upon notification under the provisions of the preceding paragraph.

3. The argument of the preceding paragraph shall be prepared in accordance with Format 52-

bis.

4. The applicant of an International Patent Application may make the application only within the period of time of paragraph 2 that, the specification, claims, or the drawings of the International Patent Application under paragraph 1 which have been decided to be included in the International Patent Application by Regulation 20.5(c) should not be included in the International Patent Application.

5. The application of the preceding paragraph shall be prepared in accordance with Format 52-ter.

6. Upon receipt of the application set forth in paragraph 4, the Director General of the Patent Office shall deem that the specification, claims, or the drawings according to the application are not included in the International Patent Application and regardless of the notification under paragraph 1, shall decide that the international filing date of the International Patent Application is the international filing date recognized under any of Regulations 20.3(b)(i), 20.5(b), and 20.5(c).

(Correction of Obvious Errors)

**Article 38-bis(3).** When the Director General of the Patent Office does not approve of the corrections on the basis of Regulation 91.1 under Regulation 91.3(f), the Director General shall give the applicant an opportunity to make an argument within a designated adequate time limit.

2. The argument of the preceding paragraph shall be prepared in accordance with Format 52-bis.

(Matters to be Stated in the Documents)

**Article 38-ter.** The matters specified by Ordinance of METI set forth in Article 184-quinquies, paragraph 1, item 3 of the Patent Law are as follows.

- 1) international application number
- 2) the name and the domicile or residence of the representative, if any

(Format of Documents)

**Article 38-quarter.** The documents of Article 184-quinquies, paragraph 1 of the Patent Law shall be prepared in accordance with Format 53.

(Formality Requirements Relating to Procedures for the Submission of Documents)

**Article 38-quinquies.** The Formality requirements specified by the Ordinance of METI set forth in Article 184-quinquies, paragraph 2, item 3 of the Patent Law are as follows.

- 1) Stating the matters prescribed in the items of Article 184-quinquies, paragraph 1 of the Patent Law.
- 2) Preparation in the format prescribed in the preceding Article.

(Format of Submission of the Amendment)

**Article 38-sexies.** The submission of a copy of the amendment or the Japanese translation of the amendment as prescribed in Article 184-septies, paragraph 1 of the Patent Law or Article 184-octies, paragraph 1 of the Patent Law shall be made in accordance with Format 54.

(Time Limit for notification of Patent Administrator)

**Article 38-sexies(2).** The period of time specified by the Ordinance of METI set forth in Article 184-undecies, paragraph 2 of the Patent Law is 3 months.

(Time Limit for Submission of Documents, etc., Stating a request for Application of Exception to Loss of Novelty of Invention)

**Article 38-sexies(3).** The period of time specified by the Ordinance of METI set forth in Article 184-quarter decies of the Patent Law is 30 days.

(Format of Documents Stating Request for Application of Exception to Loss of Novelty of Invention)

**Article 38-sexies(4).** Documents stating a request for the application of exception to loss of novelty of invention under Article 184-quarter decies of the Patent Law shall be prepared in accordance with Format 54-bis.

(Time Period for Application)

**Article 38-septies.** The period of time specified by the Ordinance of METI set forth in Article 184-vicies, paragraph 1 of the Patent Law is two months from the day on which the refusal, declaration, or finding under paragraph 1 was notified to the applicant.

(Format of the Written Application)

**Article 38-octies.** The Written application of Article 184-vicies, paragraph 1 of the Patent Law shall be made in accordance with Format 55.

(Translation Relating to the Application)

**Article 38-novies.** The documents relating to the international application as specified by the Ordinance of METI set forth in Article 184-vicies, paragraph 2 of the Patent Law are those the specification, claims, drawings (limited to any text matter in the drawings), the abstract, and other documents (excluding the request and drawings (excluding any text matter in the drawings)) regarding the international application, submitted by the applicant to the receiving office specified in Patent Cooperation Treaty Article 2 (xv) prepared on June 9, 1970, in Washington or to the International Bureau under Article 2 (xix) and the documents relating to the disposition conducted with regards to the international application.

(Matters to be Stated in the Ruling Relating to the Refusal, Declaration, or Finding)

**Article 38-decies.** The ruling of Article 184-vicies, paragraph 3 of the Patent Law shall describe the following matters.

- 1) identification of international application
- 2) title of the invention
- 3) names of a person who makes a request and a representative
- 4) conclusion and reasons for ruling
- 5) date of ruling

(Special Provisions for Identification of the Patent Number, etc)

**Article 38-undecies.** Regarding the submission of documents and other items relating to the International Patent Application, the term “after the patent application was filed” in Article 13, paragraph 1 shall read “after the procedure as provided in Article 184-quinquies, paragraph 1 of the Patent Law was taken” in the Japanese patent application of Article 184-sexies, paragraph 2 of the Patent Law, and “after the procedures as provided in Article 184-quarter, paragraph 1 of the Patent Law and Article 184-quinquies, paragraph 1 of the Patent Law were taken” in the foreign language patent application of Article 184-quarter, paragraph 1 of the Patent Law.

(Special Provisions for Submission, etc., of Information)



**Article 38-duodecies.** Regarding the International Patent Application, “which has been laid open” in Article 31-ter shall read “for which the international publication of Article 184-novies, paragraph 1 of the Patent Law has been effected” in the Japanese patent application of Article 184-sexies, paragraph 2 of the Patent Law, and shall read “for which the national publication of Article 184-novies, paragraph 1 of the Patent Law” in the foreign language patent application of Article 184-quarter, paragraph 1 of the Patent Law has been effected.

2. Regarding the foreign language patent application of Article 184-quarter, paragraph 1 of the Patent Law, “the foreign language file application of Article 36-bis, paragraph 2” and “foreign language file of Article 184-quarter, paragraph 1” in Article 13-bis, paragraph 1, item 4 and Article 13-ter, paragraph 1, item 4 shall read “the foreign language patent application of Article 184-quarter, paragraph 1” and “the specification, claims, or the drawings of the international application as of the international filing date as provided in paragraph 1”, respectively.

3. Regarding an international application in a foreign language that has been deemed to be a patent application under Article 184-vicies, paragraph 4 of the Patent Law, “foreign language file application of Article 36-bis, paragraph 2 of the Patent Law” and “foreign language file of Article 184-vicies, paragraph 1 of the Patent Law” in Article 13-bis, paragraph 1, item 4 and Article 13-ter, paragraph 1, item 4 shall read “international application in foreign language”, and “the description, claims, or the drawings of an international application filed on the day which is deemed to be an international filing date under Article 184-vicies, paragraph 4 of the Patent Law”, respectively.

(Special Provisions for Statements of Trust, the Portion of Respective Shares, or the Deposit of Microorganisms, etc)

**Article 38-terdecies.** For the purpose of the application of the provisions of Article 26, paragraph 1, Article 27, paragraph 2, Article 27-bis, paragraph 1 or Article 28 to an International Patent Application, the term “request” in these provisions shall read “documents of Article 184-quinquies, paragraph 1 of the Patent Law”.

2. For the purpose of the application of the provisions of Article 26, paragraph 1, Article 27, paragraph 2, Article 27-bis, paragraph 1 or Article 28 to the submission of Article 184-vicies, paragraph 1 of the Patent Law, the term “request” in these provisions shall read “Documents regarding making a request prescribed in Article 184-vicies, paragraph 1 of the Patent Law”.

(Special Provisions for Patent Application, etc., which include a Base Sequence or Amino Acid Sequence)

**Article 38-terdecies(2).** When the specification of a foreign language patent application containing a base sequence or amino acid sequence on an international filing date is prepared in accordance with the provisions of Regulation 5.2(b), and, the sequence listing prepared in accordance with the provisions of Regulation 12.1 is described on the Treaty, the sequence listing is deemed to be described in the translation submitted under Article 184-quarter, paragraph 1 of the Patent Law.

2. For the purposes of the application of the provisions of Article 27-quinquies paragraph 2 to an International Patent Application, “when filing a patent application” in paragraph 2 shall read “when documents are submitted under Article 184-quinquies, paragraph 1 of the Patent Law regarding a patent application”.

3. When a person who submits documents defined in Article 184-quinquies, paragraph 1 of the Patent Law under the preceding paragraph submits a magnetic disk under Article 27-quinquies paragraph 2, and when the magnetic disk has been submitted to the Director General of the Patent Office, notwithstanding paragraph 2, it is not necessary to submit the magnetic disk.

4. For the purpose of the application of the provisions of Article 27-quinquies paragraph 3 to an amendment which is deemed to be an amendment under Article 17-bis, paragraph 1 of the Patent Law under Article 184-octies, paragraph 2 of the Patent Law, “when making an amendment” in paragraph 1 shall read “when submitting documents under Article 184-quinquies, paragraph 1 of the Patent Law regarding a patent application for which the amendment is made”.

5. For the purpose of the application of the provisions of Article 27-quinquies, paragraph 2 to an international application which is deemed to be a patent application on the basis of the provisions of Article 184-vicies, paragraph 4 of the Patent Law, “when filing a patent application” in paragraph 2 shall read “when submitting documents relating to a request of Article 184-vicies, paragraph 1 of the Patent Law regarding the patent application”.

(Submission of Priority Documents regarding International Patent Application, etc)

**Article 38-quarter decies.** A person who files an International Patent Application containing the priority claim prescribed in Patent Cooperation Treaty Article 8, (1) prepared in Washington on June 19, 1971 or makes a request prescribed in Article 184-vicies, paragraph 1 of the Patent Law may submit a priority document provided in Regulations 17.1(a) based on the Treaty within two months after the day on which the certain period of time for the Submission of National Documents expires (regarding the international application which is deemed to be a patent application under Article 184-vicies, paragraph 4 of the Patent Law, after the ruling provided in paragraph 4) to the Director General of the Patent Office.

2. The submission of priority documents prescribed in the preceding paragraph shall be made in accordance with Format 36.

#### **Chapter 4(4) Registration of Extension of the Term of Patent Right**

(Format of Request regarding the application for the Registration of the Extension of the Term)

**Article 38-quindecies.** A request of an application for the registration of extension of the term of the patent right shall be made in accordance with Format 56.

(Format of Documents)

**Article 38-quinvicies(2).** Documents of Article 67-bis(2), paragraph 1 of the Patent Law shall be prepared in accordance with Format 56-bis.

(Materials Stating Reasons for the Extension)

**Article 38-sedecies.** The materials stating the reason for the extension which shall be attached to the request as provided in Article 67-bis, paragraph 2 of the Patent Law are as follows.

- 1) materials necessary to prove that it was necessary to obtain the disposition provided for in Cabinet Order as specified in Article 67, paragraph 2 of the Patent Law in order to work the patented invention according to the application of the registration of the extension of the term
- 2) materials indicating the term for which it was impossible to work the patented invention according to the application for the registration of the extension of the because of the necessity of obtaining the disposition of item 1
- 3) materials necessary to verify that a person who obtained the disposition of item 1 is the exclusive licensee, the registered non-exclusive licensee or the patentee regarding the patent right according to the application for the registration of the extension of the term

(Matters to be Stated in the Examiner’s Decision regarding the application for the Registration of the Extension of the Term)

**Article 38-septies decies.** The Examiner’s decision regarding the application for the registration of extension of the term of the patent right shall describe the following matters, and shall be signed and sealed by the Examiner who made the Examiner’s decision. However, in the case that the Examiner’s decision to reject the application was made, it is not necessary to describe the matters prescribed in item 3 and item 4.

- 1) the application number of the application for the registration of the extension of the term
- 2) the patent number
- 3) the term of the extension
- 4) the contents of the disposition designated by Cabinet Order provided for in Article 67, paragraph 2 of the Patent Law
- 5) names of the applicant of the application for the registration of the extension of the term and the representative
- 6) conclusion and reasons for Examiner’s decision
- 7) date of the Examiner’s decision

(Application of the provisions Regarding the Patent Application and the Examination Thereof)

**Article 38-duodevicies.** The provisions of Article 28 shall apply mutatis mutandis to applications for the registration of extension of the term of the patent right, and the provisions of Article 32 and Article 37 shall apply mutatis mutandis to the examination of applications for the registration of extension of the term of the patent right.

## **Chapter 5 Interpretation**

(Format of the Request for Interpretation)

**Article 39.** A person requesting interpretation regarding the technical scope of a patented invention shall submit a written request for interpretation prepared in accordance with Format 57 to the Director General of the Patent Office.

(Application of Provisions for a Trial)

**Article 40.** The provisions of Article 46, paragraph 2, Article 47, paragraph 1, Article 47-bis, Article 47-ter, from Article 48 to Article 48-ter, paragraph 1, Article 50, Article 50-ter, Article 50-quarter, Article 50-quinquies, Article 50-decies, Article 50-undecies, Article 50-terdecies, and from Article 51 to Article 64 shall apply mutatis mutandis to the interpretation. In such a case, the term “in other cases” in Article 50, paragraph 5, Article 51, paragraph 2, Article 58-bis, paragraph 1 and paragraph 3, Article 58-septies decies, paragraph 2, Article 60, paragraph 5 and paragraph 6, and Article 61-undecies, paragraph 3 shall read “in the case that the documents are submitted regarding interpretation” and the term “in other cases” in Article 50-ter, Article 57-ter, paragraph 2, Article 58, paragraph 2, and Article 62, paragraph 2 shall read “in the case of interpretation”.

## **Chapter 6 Arbitration Decision**

**Article 41** deleted

(Written Request for Arbitration Decision)

**Article 42.** A person requesting an arbitration decision (excluding the person requesting the arbitration decision of Article 92, paragraph 4 of the Patent Law) shall submit a written request for the arbitration decision prepared in accordance with Format 59 to the Minister of Economy, Trade, and Industry or the Director General of the Patent Office.

2. A person requesting an arbitration decision of Article 92, paragraph 4 of the Patent Law shall submit a written request for the arbitration decision prepared in accordance with Format 59 to the Director General of the Patent Office.

(Request for Cancellation of Arbitration Decision)

**Article 43.** A person who requests the cancellation of the arbitration decision shall submit a written request for the cancellation of the arbitration decision prepared in accordance with Format 60 to the Minister of Economy, Trade, and Industry or the Director General of the Patent Office.

(Format of Written Answer in Arbitration Decision Case)

**Article 44.** The written answer of Article 84 of the Patent Law (including its mutatis mutandis application under Article 90, paragraph 2 of the Patent Law (including its mutatis mutandis application under Article 92, paragraph 7 or Article 93, paragraph 3 of the Patent Law), Article 92, paragraph 7 or Article 93, paragraph 3) shall be prepared in accordance with Format 61.

(Submission)

**Article 45.** A written request or a written answer to the Minister of Economy, Trade, and Industry as provided in the three preceding Articles, shall be submitted by way of the Director General of the Patent Office.

## **Chapter 7 deleted**

## **Chapter 8 Trial and Retrial**

### **Section 1 General Provisions**

(Format of the Demand for Trial)

**Article 46.** A written demand for a trial against Examiner's decision of refusal shall be prepared in accordance with Format 61-bis, and in other trials, the written demand shall be prepared in accordance with Format 62.

2. When taking evidence for the preservation of evidence prior to the demand for a trial, the written demand shall state the identification of the case of the preservation of evidence.

(Format of the Written Answer, etc)

**Article 47.** The written answer of Article 134, paragraph 1 or paragraph 2 of the Patent Law shall be prepared in accordance with Format 63.

2. The written request of correction of Article 134-bis, paragraph 1 of the Patent Law shall be prepared in accordance with Format 63-bis.

3. When a motion of an opinion under Article 134-bis, paragraph 3, Article 150, paragraph 5 or Article 153, paragraph 2 of the Patent Law is rendered in writing, it shall be made in accordance with Format 63-ter.

4. The argument specified in Article 165 of the Patent Law shall be prepared in accordance with Format 63-ter.

(Submission of other Written Answer, etc)

**Article 47-bis.** The trial examiner-in-chief, may, if necessary, request the demandee to submit a written answer within an adequate time limit designated by the trial examiner-in-chief.

2. The written answer of the preceding paragraph shall be prepared in accordance with Format

63.

(Submission of Rebuttal, etc)

**Article 47-ter.** The trial examiner-in-chief, may, if necessary, request the demandant to submit a rebuttal within an adequate time limit designated by the trial examiner-in-chief.

2. The rebuttal of the preceding paragraph shall be prepared in accordance with Format 63-quarter.

(Confirmation of Consent of the Demande)

**Article 47-quarter.** When the trial examiner-in-chief verifies the consent prescribed in Article 131-bis, paragraph 2, item 2 of the Patent Law, the trial examiner-in-chief shall send a copy of the amendment according to the paragraph 2 to the demandee, and shall request the demandee to submit a written reply to consent the amendment within a designated adequate time limit. However, when verifying consent in oral proceedings, an oral reply may be requested to the demandee.

2. The written reply described in the preceding paragraph shall be prepared in accordance with Format 63-quinquies.

(Formality Requirements, etc., to Rule whether the Amendment of Trial Brief is Accepted or not)

**Article 47-quinquies.** The ruling of Article 131-bis, paragraph 2 of the Patent Law (hereinafter, referred to as “ruling on acceptance or non-acceptance of amendment”) shall be made in writing. However, the ruling may be made orally in oral proceedings.

2. The trial examiner-in-chief who made the ruling on acceptance or non-acceptance of amendment in writing shall sign and seal the ruling. However, when a ruling on acceptance or non-acceptance of amendment is made orally, this shall not apply.

3. When the Director General of the Patent Office makes a ruling on acceptance or non-acceptance of amendment, a certified copy of the ruling shall be sent to the parties and the intervenor. However, when a ruling on acceptance or non-acceptance of amendment is made orally, this shall not apply.

(Motion for Correction where Rescission Judgment, etc. is Rendered)

**Article 47-sexies.** A motion prescribed in Article 134-ter, paragraph 1 of the Patent Law shall be made in accordance with Format 63-sexies(6).

(Notification of Trial Number, etc)

**Article 48.** Upon receiving a written demand for trial, the Director General of the Patent Office shall assign the trial number thereto, and this number shall be notified to the parties.

2. When the Director General of the Patent Office designates or changes trial examiners or trial clerk regarding the trial case, the names shall be notified to the parties.

(Written Motion for Exclusion or Challenge)

**Article 48-bis.** A person filing a motion for exclusion or challenge through documents shall submit a written motion for exclusion or a written motion for challenge prepared in accordance with Format 64.

(Written Motion for Conduct of Trial Examination)

Article 48-ter. A person filing a motion prescribed in the proviso of Article 145, paragraph 1 of the Patent Law or in the proviso of Article 145, paragraph 2 of the Patent Law (excluding a person prescribed in the following paragraph) shall submit a written motion for conduct of the

trial examination prepared in accordance with Format 64-bis.

2. A person filing a motion prescribed in the proviso of Article 145, paragraph 2 of the Patent Law regarding a trial against Examiner's decision of refusal shall submit a written motion for oral examination prepared in accordance with Format 64-ter.

(Format of Written Demand to Intervene)

**Article 49.** The written demand to intervene of Article 149, paragraph 1 of the Patent Law shall be prepared in accordance with Format 65.

(Evidence)

**Article 50.** A written demand for trial, a written answer, and other documents submitted to the Patent Office relating to a trial shall state the means of evidence, and when there is evidence, it shall be attached.

2. When the evidence of the preceding paragraph is a document and when the evidence is other than documents, a copy of the document and a drawing, a model, or a sample of the evidence other than documents shall be respectively submitted to the Patent office. A copy of the document or a drawing, a model or a sample of the evidence other than documents shall be provided to each of the opposing parties (when there are representatives notified under the proviso of Article 14 of the Patent Law, each of the representatives) in addition to the Patent Office.

3. When the evidence of paragraph 1 is a document, the description of evidence clarifying the title of the document, the person who prepared the document and the purport of proof, excluding the case when they are obvious from the description of the document, shall be submitted to the Patent Office. The description of evidence shall be provided to each of the opposing parties (when there are representatives notified as prescribed in the proviso of Article 14 of the Patent Law, each of the representatives) in addition to the Patent Office. However, it shall be sufficient to submit the description of evidence within a time limit specified by the trial examiner-in-chief if there are unavoidable grounds.

4. When submitting the model or sample of paragraph 2, a drawing thereof shall be attached, and when such a drawings cannot be prepared, a statement of explanation shall be attached.

5. The description of evidence of paragraph 3, when submitting regarding a trial against Examiner's decision of refusal, shall be prepared in accordance with Format 65-bis, and in other cases, shall be prepared in accordance with Format 65-ter.

(Withdrawal of Demand for Trial)

**Article 50-bis.** The withdrawal of a demand for a trial, when submitting regarding a trial against Examiner's decision of refusal, shall be made in accordance with Format 65-quarter, and in other cases, shall be made in accordance with Format 65-quinquies.

(Motion for Re-opening Trials)

**Article 50-ter.** A motion for the re-opening of the trials, in the case of a trial against Examiner's decision of refusal, shall be made in accordance with Format 65-sexies, and in other trial cases, shall be made in accordance with Format 65-septies.

(Submission of Copies during Trial)

**Article 50-quarter.** When submitting documents in the course of a patent invalidation trial, invalidation trial for the registration of the extension of the term, or trial for correction, a copy of the documents shall be submitted.

(Notification of Withdrawal of the Request for Trial)

**Article 50-quinquies.** When there is a withdrawal of a demand for trial, the Director General of the Patent Office shall notify the same to the adverse party.

(Matters to be Stated in Ruling on Permission or Non-permission of Intervention)

**Article 50-sexies.** The ruling on permission or non-permission of intervention shall state the following matters, and shall be signed and sealed by the trial examiners who made the ruling.

- 1) trial number
- 2) names of the parties, the intervenors, and the representatives
- 3) the name and the domicile or residence of the person desiring to intervene and the name of the representatives
- 4) conclusion and reasons of ruling
- 5) date of the ruling

(Request for Ruling on Amount of Expenses)

**Article 50-septies.** A person requesting a ruling on the amount of expenses of a trial shall attach a statement of costs and the documents necessary for making a prima facie showing of the amount of costs, to a written request and submit the same to the Director General of the Patent Office.

(Requisition to Adverse Party, etc.)

**Article 50-octies.** Prior to making a ruling on the amount of expenses relating to a trial, the Director General of the Patent Office shall make a requisition to the adverse party to submit within a predetermined period of time, a statement of costs, documents necessary for making a prima facie showing of the amount of costs, and documents describing a statement regarding the contents of the requester's statement of the costs. However, this shall not apply when only the adverse party is to bear the costs regarding the trial, and the amount of burden of the requester with regard to the costs for the trial is clear from the records.

2. When the adverse party fails to submit a statement of costs or the documents necessary for making a prima facie showing of the amount of costs within the period of time prescribed in the preceding paragraph, the Director General of the Patent Office may make a ruling on the trial costs with regard to only the expenses of the requester. However, this shall not preclude the adverse party from requesting a ruling on the trial costs.

(Case Provided by METI Ordinance of Article 169, paragraph 2 of the Patent Law)

**Article 50-novies.** The case provided by METI Ordinance of Article 169, paragraph 2 of the Patent Law, is when the adverse party fails to submit a statement of costs or the documents necessary for making a prima facie showing of the amount of costs of the preceding paragraph within the period of time prescribed in Article 169, paragraph 1.

(Trial Decision)

**Article 50-decies.** The written decision shall be signed and sealed by the trial examiners who made the trial decision.

(Submission of Magnetic Disk)

**Article 50-undecies.** The trial examiners may request the party or the intervenor to submit a copy of a magnetic disk, if any, on which the contents described in the documents submitted by the party or the intervenor are recorded, when the trial examiners use the contents to prepare a trial decision or find it necessary.

(Procedures for Retrial)

**Article 50-duodecies.** A copy of the trial decision against which a retrial is demanded shall be attached to a written demand for retrial.

(Formality Requirements of Ruling, etc)

**Article 50-terdecies.** The trial examiners or the trial examiner-in-chief who ruled in regards to a trial shall sign and seal the written ruling, unless otherwise provided for in laws and ordinances.

2. Upon a ruling in regards to a trial, the Director General of the Patent Office shall deliver a certified copy of the ruling to the parties, the intervenors, and persons desiring to intervene, unless otherwise provided for in laws and ordinances.

(Notification Relating to Trade Secret)

**Article 50-quarter decies.** When it is notified to the Director General of the Patent Office that a trade secret is described in documents relating to a patent invalidation trial or a trial for invalidation of a registration of the extension of the term, the notification shall be made in accordance with Format 65-octies.

(Application Mutatis Mutandis of Provisions Regarding Examination, etc)

**Article 50-quindecies.** The provisions of Article 32, paragraph 1, Article 33, and Article 36 shall apply mutatis mutandis to a trial against Examiner's decision of refusal.

2. The provisions of Article 24, Article 24-quarter, and Article 25 shall apply mutatis mutandis to a trial for correction or a request for correction of Article 134-bis, paragraph 1 of the Patent Law.

3. The provisions of Article 32, paragraph 1, Article 33, Article 35, and Article 37 shall apply mutatis mutandis to the examination based on the provisions of Article 162 of the Patent Law.

(Application Mutatis Mutandis to Retrial)

Article 50-sedecies. The provisions of this chapter shall apply mutatis mutandis to the retrial.

## **Section 2 Oral Proceedings**

(Oral Proceedings)

**Article 51.** Where a trial is conducted by oral proceedings, the trial examiner-in-chief may request the parties to submit documents stating the gist of the matters to be stated.

2. The documents of the preceding paragraph, when submitted concerning a trial against Examiner's decision of refusal, shall be prepared in accordance with Format 65-novies, and in other trial cases, shall be prepared in accordance with Format 65-decies.

**Article 52.** In oral proceedings, Japanese shall be used.

(Interrogation in Oral Proceedings)

**Article 52-bis.** The trial examiner-in-chief may ask questions of a party or an intervenor or urge him or her to offer proof with regard to factual or legal matters to clarify matters relating to the case in the oral proceedings.

2. An associate trial examiner may perform the treatment prescribed in the preceding paragraph after notifying the trial examiner-in-chief.

(Recording of Statements in Oral Proceedings)

**Article 53.** The trial examiner, may, if necessary, have all or a part of the statements in the



oral proceedings recorded using a sound recorder upon motion or by its own authority. In this case, if the trial examiner finds it appropriate, a record of oral argument shall be prepared by transcribing the magnetic tapes.

(Restriction on Taking of Photographs, etc. in Trial Court)

**Article 54.** The taking of photographs, stenography, sound recording, video recording or broadcasting in trial court shall not be allowed without the permission of the trial examiner-in-chief.

(Matters to be Stated in the Trial Records of the Oral Proceedings)

**Article 55.** The matters to be stated in a trial record of the oral proceedings shall be as follows.

- 1) trial number
  - 2) names of the trial examiners and the trial clerk
  - 3) names of the parties, representatives, the intervenors and interpreters who appeared
  - 4) date and location of the proceedings
  - 5) the fact that the proceeding was open to the public or, if it was not open to the public, a statement to that effect and the reason therefor
  - 6) the gist of the statements of the parties, representatives, and the intervenors
  - 7) matters that were directed by the trial examiner-in-chief to be stated and matters that were allowed to be stated on a request of the party or the intervenor
  - 8) other necessary matters
2. The trial record of the preceding paragraph shall be signed and sealed by the trial clerk, and the trial examiner-in-chief shall affix a seal of approval.
3. In the case set forth in the preceding paragraph, if the trial examiner-in-chief has difficulty in affixing a seal of approval, the associate trial examiner shall affix the seal of approval while appending a supplementary note about the grounds therefor. If the trial examiner-in-chief and the associate trial examiner have difficulty in affixing a seal of approval, it is sufficient for a trial clerk to include a statement to that effect.

(Citation and Attachment of Document, etc)

**Article 56.** In a record of oral argument, a document, photograph, audio tape, video tape or any other object that is found to be appropriate by the trial examiners may be cited and be attached to the case record as part of said record of oral argument.

### **Section 3 Examination and preservation of evidence**

#### Subsection 1 General Provisions

(Designation of Commissioned Trial Examiner and Procedures for Commissioning)

**Article 57.** In cases of having a commissioned trial examiner perform his/her duties, the trial examiner-in-chief shall designate said trial examiner.

2. The commissioning procedures to be made by the trial examiner, except as otherwise provided, are made by the trial examiner-in-chief.

(Designation of the Date of Commissioned Trial Examiner)

**Article 57-bis.** The date of the procedures performed by the commissioned trial examiner is designated by the trial examiner.

(Offering of Evidence)

**Article 57-ter.** Evidence shall be offered by specifically and clearly indicating the fact to be proven thereby and the relationship between such fact and the evidence.

2. The offering prescribed in the preceding paragraph shall be made in accordance with Format 65-undecies in the case of a trial against Examiner's decision of refusal, and shall be made in accordance with Format 65-duodecies, in other trial cases.

(Period for Submission of Documents, etc.)

**Article 57-quarter.** Documents that are planned to be used in the examination of witnesses, the parties themselves, or expert witnesses (hereinafter, referred to as "witness, etc.") shall be submitted by allowing a reasonable period before the time of the commencement of said examination of the witness, etc., except for those that are to be used as evidence for denying the credibility of statements by witnesses, etc.; provided, however, that, when it is not possible to submit such documents, it shall be sufficient to submit a copy thereof.

(Matters to be Stated in the Record in the Examination of Evidence)

**Article 57-quinquies.** The matters to be stated in the record of the examination of evidence shall be as follows.

- 1) trial number
- 2) names of the trial examiners and the trial clerk
- 3) names of the parties themselves, representatives, the intervenors, interpreters, witnesses, and expert witnesses who appeared
- 4) date and location of the examination of evidence
- 5) the fact that the proceeding was open to the public or, if it was not open to the public, a statement to that effect and the reason therefor
- 6) gist of the statements of the witnesses, the parties themselves, and the expert witnesses
- 7) whether or not witnesses, the parties themselves and expert witnesses swore under oath, and reasons for not having witnesses or expert witnesses swear under oath
- 8) result of the inspection
- 9) matters that were directed by the trial examiner-in-chief to be stated and matters that were allowed to be stated upon request of the party or the intervenor
- 10) other necessary matters

2. The provisions of Article 55, paragraph 2 and paragraph 3 shall apply mutatis mutandis to the record of the preceding paragraph.

(Recording onto Audio Tape, etc. in Lieu of Statement in Record of Examination of Evidence)

**Article 57-sexies.** The trial clerk, notwithstanding the provisions of the preceding Article, paragraph 1, where there is approval of the trial examiner-in-chief, may record the statements of the witnesses, etc., on magnetic tapes or video tapes (including any other media that are able to record information by equivalent means. Hereinafter, referred to as "magnetic tape, etc."), and substitute it for the description in the record. In such a case, the party or the intervenor may raise their opinion, when granted approval by the trial examiner-in-chief.

2. In the case of the preceding paragraph, when there is a request of the party or the intervenor before the delivery of a certified copy of the trial decision, documents stating the statements of the witnesses, etc., shall be prepared. However, if a demand for trial is withdrawn, the preparation of the documents is not necessary.

(Application Mutatis Mutandis of the Provisions of Oral Proceedings)

**Article 57-septies.** The provisions of Article 53, Article 54 and Article 56 shall apply mutatis mutandis to the examination of evidence.

## **Subsection 2 Examination of Witness**

(Application for Examination of Witness)

**Article 58.** A request for the examination of a witness shall be made by designating the witness and clarifying the expected time required for the examination.

2. The request of the preceding paragraph shall be made in accordance with Format 65-terdecies, in the case of a trial against Examiner's decision of refusal and shall be made in accordance with Format 65-quarter decies in other trial cases.

(Statement of Matters for Examination)

**Article 58-bis.** When requesting an examination of witness, a statement of matters for examination (referred to as the documents stating the matters for examination. Hereinafter, the same) shall be submitted together with the request in the case of a trial against Examiner's decision of refusal, and in other trial cases, a statement of matters for examination shall be provided to the witness and each of the adverse parties (when there are representatives notified as provided in the proviso to Article 14 of the Patent Law, each of the representatives) in addition to the Patent Office. However, it shall be sufficient to submit such a statement within a certain period of time specified by the trial examiner-in-chief, if there are unavoidable reasons.

2. A statement of matters for examination shall be stated individually and specifically insofar as possible.

3. A statement of matters for examination, when submitted for a trial against Examiner's decision of refusal, shall be prepared in accordance with Format 65-quindecies, and when submitted for other trial cases, shall be prepared in accordance with Format 65-sedecies.

(Matters to be Described in Writ of Summon, etc.)

**Article 58-ter.** A writ of summons of a witness shall state the following matters, and shall be attached with the statement of matters for examination.

- 1) identification of the parties and the intervenors
- 2) date and location for appearance
- 3) legal sanction against a failure to appear

(Notification of Non-Appearance)

**Article 58-quarter.** A witness shall, when circumstances that prevent him/her from appearing on the appearance date have arisen, notify such fact immediately while clarifying the circumstances.

(Oath)

**Article 58-quinquies.** An oath of the witness shall be made prior to the examination.

However, where there are special circumstances, the oath may be made after the examination.

2. The oath shall be conducted solemnly while standing.

3. The trial examiner-in-chief shall have the witness read aloud the written oath and have him/her sign and seal it. When the witness is unable to read the written oath aloud, the trial examiner-in-chief shall have a trial clerk read it aloud.

4. The written oath set forth in the preceding paragraph shall state that according to his/her conscience, the witness will swear to speak the truth, conceal nothing, and add nothing.

5. The trial examiner-in-chief shall, before the swearing under oath, explain the purpose of swearing under oath and notify the punishment against any perjury.

(Order of Examination)

**Article 58-sexies.** The examination of witnesses by a party or an intervenor shall occur in the following order.

- 1) Examination by a party or an intervenor who has requested the examination (direct examination)
  - 2) Examination of an adverse party (cross examination)
  - 3) Further examination by a party or an intervenor who has requested the examination (redirect examination)
2. A party or intervenor may conduct further examination with the permission of the trial examiner-in-chief.
3. The trial examiner-in-chief may examine a witness by himself/herself or allow examination by a party or an intervenor not only under Article 202, paragraph 1 and paragraph 2 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law but also whenever he/she finds it to be necessary.
4. An associate trial examiner may examine a witness, after notifying the trial examiner-in-chief.

(Limitation of Questioning)

**Article 58-septies.** The examinations listed in the following items shall be conducted for the matters respectively specified in those items.

- 1) Direct examination; Matters to be proved and any matters related thereto
  - 2) Cross examination; Matters mentioned in the direct examination, any matters related thereto, and matters related to the credibility of the testimony
  - 3) Redirect examination; Matters mentioned in the cross examination and any matters related thereto
2. The trial examiner-in-chief may, upon a motion or ex officio, limit a question if he/she finds that the question in any of the examinations listed in the items of the preceding paragraph is directed to a matter other than the matters specified in the items of said paragraph and is inappropriate.

**Article 58-octies.** Questions shall be asked individually and specifically insofar as possible.

2. A party or an intervenor shall not ask the following questions. However, this shall not apply to the questions listed in items 2 to 5 in cases where justifiable grounds exist.
- 1) question that insults or confuses the witness
  - 2) biased questioning
  - 3) question that overlaps with any previous question
  - 4) question unrelated to the issues
  - 5) question seeking statement of opinion
  - 6) question seeking statements regarding facts that a witness does not have direct experience with
3. The trial examiner-in-chief may, upon a motion or ex officio, limit a question if he/she finds it to be in violation of the provision of the preceding paragraph.

(Use of Document, etc. in Questions)

**Article 58-novies.** A party or intervenor may, with the permission of the trial examiner-in-chief, ask questions of a witness while using a document, drawing, photograph, model, equipment or any other appropriate object (hereinafter referred to as a "document, etc." in this

Article).

2. In the case set forth in the preceding paragraph, if the document, etc. has not been subject to an examination of evidence, the adverse party shall be given an opportunity to inspect it before the asking of said questions; provided, however, that this shall not apply if the adverse party has no objection.

3. The trial examiner-in-chief may request a party or an intervenor to submit a copy of a document, etc., if he/she finds it necessary for attaching such copy to the record or for any other purpose.

(Objection)

**Article 58-decies.** A party or an intervenor may raise an objection against the trial of the trial examiner-in-chief under Article 58-sexies, paragraph 2 and paragraph 3, Article 58-septies, paragraph 2, Article 58-octies, paragraph 3, and Article 58-novies, paragraph 1.

2. With respect to the objection of the previous paragraph, the trial examiners shall conduct a trial by a ruling immediately.

(Simultaneous Examination)

**Article 58-undecies.** The trial examiner-in-chief may, if necessary, direct a simultaneous examination of a witness and another witness.

2. When having directed a simultaneous examination under the provision of the preceding paragraph, the trial examiner-in-chief shall have a statement to that effect included in the record.

3. When carrying out a simultaneous examination, the trial examiner-in-chief may examine the witnesses first.

(Writing of Characters and Drawings, etc)

**Article 58-duodecies.** The trial examiner-in-chief may, if he/she finds it to be necessary, make the writing of characters or drawings, and other necessary actions to the witness.

(Handling of Witness to be Examined Later)

**Article 58-terdecies.** The trial examiner-in-chief, may, if necessary, allow a witness who is to be examined later to be present in court.

(Measure to Have Observer Leave Court)

**Article 58-quarter decies.** The trial examiner-in-chief may, if he/she finds that a witness will be intimidated and be unable to make sufficient statements in front of a specific observer (including cases where the measure prescribed in paragraph 2 of Article 203-ter of the Code of Civil Procedure is taken and cases where the method prescribed in Article 204 of the Code of Civil Procedure is used), have such observer leave the court while said witness makes his/her statements, after hearing the opinions of the parties and the intervenor.

(Reading Aloud of Question or Response Asked or Made by Means of Document)

**Article 58-quindecies.** When having asked a question of a witness who is unable to hear by means of a document or when having had a witness who is unable to speak make a response by means of a document, the trial examiner-in-chief may have a trial clerk read aloud the document in which the question or response is stated.

(Attendance)

**Article 58-quindecies(2).** The trial examiner-in-chief, when taking the measures prescribed in Article 203-bis, paragraph 1 of the Code of Civil Procedure applied mutatis mutandis under

Article 151 of the Patent Law, shall hear the opinions of the parties, the intervenors, and the witnesses.

2. When having taken the measure set forth in the preceding paragraph, a statement to that effect and statements of the name of the person who accompanied the witness and the relationship between such person and the witness shall be included in the record.

(Shielding Measure)

**Article 58-quindecies(3).** The trial examiner-in-chief, when taking the measures prescribed in Article 203-ter, paragraph 1 or paragraph 2 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law, shall hear the opinions of the parties, the intervenors, and the witnesses.

2. When having taken the measure set forth in the preceding paragraph, a statement to that effect shall be included in the trial record.

(Examination through Communication by Audio and Visual Transmissions)

**Article 58-sedecies.** Examination by the method prescribed in Article 204 of the Code of Civil Procedure in the cases listed in Article 204, item 1 applied mutatis mutandis under Article 151 of the Patent Law shall be conducted after hearing the opinions of the parties and the intervenors, by having the parties and the intervenors appear before the Patent Office and having the witness appear at a place which is considered appropriate by the trial examiner-in-chief and in which equipment necessary for the examination is installed.

2. Examination by the method prescribed in Article 204 of the Code of Civil Procedure in the cases listed in Article 204, item 2 applied mutatis mutandis under Article 151 of the Patent Law shall be conducted, after hearing the opinions of the parties, the intervenors, and the witness, by having the parties and the intervenors appear before the Patent Office and having the witness appear before the Patent Office or at a place which is considered appropriate by the trial examiner in chief and in which equipment necessary for the examination is installed. In this case, if the witness is to appear before the Patent Office, said witness shall be seated at a place other than the place where the trial examiner-in-chief, the parties, and the intervenors are seated for examination of the witness.

3. In cases of conducting the examination set forth in the preceding two paragraphs, a facsimile may be used to present a document by sending a copy thereof or to take any other measures necessary for implementing the examination.

4. When having conducted the examination set forth in paragraph 1 or paragraph 2, a statement to that effect and an indication of the place at which the witness appeared shall be included in the trial record.

(Examination by Documents)

**Article 58-septies decies.** In cases of having a witness submit a document in lieu of an examination of a witness according to the provision of Article 278 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law, the trial examiner may have the adverse party to the party or intervenor who has requested the examination submit a document stating matters for which he/she desires to have responses made in the document.

2. When submitting a document stating matters for which he/she desires to have responses prescribed in the previous paragraph, the document shall be prepared in accordance with Format 65-septies decies in the case of a trial against Examiner's decision of refusal, and in other cases, it shall be prepared in accordance with Format 65-duodevicies.

3. The trial examiner-in-chief may specify a period in which a witness shall submit a document in lieu of examination.

4. A witness shall sign and seal the document set forth in the preceding paragraph.

(Authority of Commissioned Trial Examiner)

**Article 58-octodecies.** Where a commissioned trial examiner examines a witness, the commissioned trial examiner shall perform the duties of the trial examiners and the trial examiner-in-chief.

### **Subsection 3 Examination of Parties**

(Cross Examination)

**Article 59.** The trial examiner-in-chief may, if he/she finds it to be necessary, direct a simultaneous examination of the party and the other party or the witness.

(Application of Examination of Witness)

**Article 59-bis.** The provisions of the preceding subsection shall apply mutatis mutandis to the examination of a party, except as otherwise provided; provided, however, that this shall not apply to the provisions of Article 58-terdecies.

(Examination of Legal Representative)

Article 59-ter. The provisions of this Code concerning the examination of a party, shall apply mutatis mutandis to a legal representative who represents the party in a trial.

### **Subsection Four Expert Opinion**

(Matters for Expert Opinion)

**Article 60.** When requesting an expert opinion, a document stating the matters for which expert opinion is sought shall be submitted at the same time; provided, however, that it shall be sufficient to submit such document within a period specified by the trial examiner-in-chief, if there are unavoidable grounds therefor.

2. When an adverse party has an opinion with regards to the documents of the preceding paragraph, the adverse party shall submit documents stating the opinion to the trial examiner-in-chief.

3. The trial examiners shall specify the matters for expert opinion ex officio or on the basis of the document set forth in paragraph 1 when the request prescribed in paragraph 1 was made, while also giving consideration to the opinions set forth in the preceding paragraph.

4. The trial examiner shall send the documents stating the matters for which expert opinion is sought to the expert witness.

5. When making a request of an expert opinion of paragraph 1, the request shall be made in accordance with Format 65-undevicies, in the case of a trial against Examiner's decision of refusal, and in other cases, it shall be made in accordance with Format 65-vicies.

6. The document stating the matters for which the expert opinion is sought as specified in paragraph 1 shall be prepared in accordance with Format 65-unvicies in the case of a trial against Examiner's decision of refusal, and in other cases, it shall be prepared in accordance with Format 65-quarter vicies.

(Consultation on Matters Necessary for Expert Opinion)

**Article 60-bis.** The trial examiners may, on the date for oral proceedings, hold a consultation with the parties, the intervenors, and the expert witness concerning the contents of the matters for expert opinion, the materials necessary for expert opinion, and other matters that are

necessary for expert opinion.

(Formality Requirements for Motion for Challenge of Expert Witness)

**Article 60-bis(2).** A motion for challenge of an expert witness may be made orally in the oral proceedings or examination of evidence.

2. A prima facie showing shall be made with regard to the grounds for challenge.

(Formality Requirements for Oath of Expert Witness)

**Article 60-ter.** A written oath shall contain a statement to swear to give expert opinion sincerely according to conscience in good faith.

2. Oath of an expert witness may be made by submitting a written oath to the trial examiner-in-chief. In this case, the trial examiner-in-chief shall explain the purpose of swearing under oath and notify the punishment against any false expert opinion by sending a document stating such matters to the expert witness.

(Formality Requirements for Statements made by Expert Witness)

**Article 60-quarter.** The trial examiner-in-chief may have expert witnesses state their opinions jointly or individually.

2. The trial examiner-in-chief may, in cases of having an expert witness state his/her opinions by means of a document, specify a period in which the document should be submitted after hearing the opinion of the expert witness.

(Matters for Seeking Additional Opinions of Expert Witness)

**Article 60-quarter(2).** When filing a motion set forth in the Code of Civil Procedure Article 215, paragraph 2 applied mutatis mutandis under Article 151 of the Patent Law, a document stating the matters for seeking additional opinions of the expert witness shall be submitted at the same time; provided, however, that it shall be sufficient to submit such document within a period specified by the trial examiner-in-chief, if there are unavoidable grounds therefor.

2. The trial examiners may, when having an expert witness state additional opinions ex officio, have the parties and the intervenors submit a document stating the matters for seeking additional opinions of the expert witness in advance.

3. When an adverse party has an opinion regarding the documents of the preceding two paragraphs, the documents stating the opinion shall be submitted to the trial examiner-in-chief.

4. The trial examiners shall specify the matters for which additional opinions of the expert witness are sought while also giving consideration to the contents of the document set forth in paragraph 1 or paragraph 2 and the opinions set forth in the preceding paragraph. In this case, a document stating said matters shall be sent to the expert witness.

(Order of Asking Questions)

**Article 60-quarter(3).** The trial examiner-in-chief may ask questions to an expert witness by himself/herself or allow a party or intervenor to ask questions not only under the provisions of Article 215-bis, paragraph 2 and paragraph 3 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law, but also whenever the trial examiner-in-chief finds it to be necessary.

2. The associate trial examiner may ask questions to an expert witness, after notifying the trial examiner-in-chief.

3. An expert witness shall be asked questions by the parties or intervenors in the following order; provided, however, that the order in which the parties or intervenors shall ask questions in cases where both parties or intervenors have requested expert opinion shall be specified by



the trial examiner-in-chief.

- 1) questioning of a party or an intervenor who requested the expert opinion
- 2) questioning of the adverse party
- 3) additional questions by the party who has requested the expert opinion
4. The parties or intervenors may ask additional questions with the permission of the trial examiner-in-chief.

(Limitation of Questioning)

**Article 60-quarter(4).** Questions asked to an expert witness shall be on matters necessary for clarifying the contents of the opinion of the expert witness or for confirming the grounds therefor.

2. Questions shall be asked specifically insofar as possible.

3. The parties or intervenors shall not ask the following questions; provided, however, that this shall not apply to the questions listed in items 2 and 3 in cases where justifiable grounds exist.

1) question that insults or confuses the expert witness

2) biased question

3) question that overlaps with any previous question

4) question unrelated to the matters prescribed in paragraph 1

4. The trial examiner-in-chief may, upon a motion or ex officio, limit a question if he/she finds it to be in violation of the provision of the preceding paragraph.

(Statements Made through Communication Through Audio and Visual Transmissions)

**Article 60-quarter(5).** When having an expert witness state his/her opinions by the method prescribed in Article 215-ter of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law, it shall be done, after hearing the opinions of the parties and the intervenors, by having the parties and the intervenors appear before the Patent Office and having the expert witness appear at a place in which equipment necessary for the procedure is installed and which is considered to be appropriate by the trial examiner-in-chief.

2. In cases of conducting the examination set forth in the preceding paragraph, a facsimile may be used to present a document by sending a copy thereof or to take any other measures necessary for implementing the procedures.

3. When having had an expert witness state his/her opinions by the method set forth in paragraph 1, a statement to that effect and an indication of the place where the expert witness appeared shall be included in the trial record.

(Questioning by Expert Witness, etc)

**Article 60-quinquies.** An expert witness may, when it is necessary for giving an expert opinion, attend the examination of evidence, request the trial examiner-in-chief to examine the witness or the party, or with the permission of the trial examiner-in-chief, ask questions to such persons directly.

(Objection)

**Article 60-quinquies(2).** A party or an intervenor may raise an objection to the trial by the trial examiner-in-chief prescribed in Article 60-quarter(3), paragraph 1, the proviso to paragraph 3, and paragraph 4, Article 60-quarter(4), paragraph 4, the preceding Article, and Article 58-novies, paragraph 1 applied mutatis mutandis under Article 60-sexies.

2. The trial examiners shall, by ruling, immediately conduct a trial on the objection set forth in the preceding paragraph.

(Application of Provisions of Examination of Witness)

**Article 60-sexies.** The provision of Article 58-ter shall apply mutatis mutandis to a writ of summons issued to an expert witness, the provision of Article 58-quarter shall apply mutatis mutandis to cases where circumstances that prevent an expert witness from appearing on the appearance date have arisen, the provisions of Article 58-quinquies, paragraph 2, paragraph 3, and paragraph 5 shall apply mutatis mutandis to cases of having an expert witness swear under oath, the provisions of Article 58-novies, Article 58-undecies, Article 58-duodecies, Article 58-quarter decies, and Article 58-quindecies shall apply mutatis mutandis to cases of having an expert witness state his/her opinions orally, the provision of Article 58-speties decies shall apply mutatis mutandis to cases of the submission of documents in place of statements of the opinion of the expert witness under the provision of Article 278 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law, and the provision of Article 58-septies decies shall apply mutatis mutandis to cases where the commissioned trial examiner has an expert witness state his/her opinions.

(Expert Witness)

**Article 60-septies.** The provisions concerning the examination of a witness shall apply to the examination of an expert witness.

(Application Mutatis Mutandis to Commissioning of Expert Opinion)

**Article 60-octies.** The provision of this Section except for the provisions concerning swearing under oath, shall apply mutatis mutandis to the commissioning of expert opinion.

#### **Subsection 5 Examination of Documentary Evidence** (Article 61 to Article 61-undecies)

(Attaching of Translation, etc.)

**Article 61.** When requesting the examination of documentary evidence by submitting a document prepared in a foreign language, a translation of the part of the document for which examination is sought shall be attached thereto.

2. If the adverse party wishes to state opinions on the accuracy of the translation set forth in the preceding paragraph, he/she shall submit a document stating his/her opinions to the trial examiner-in-chief.

(Motion for Order to Submit Document)

**Article 61-bis.** If the adverse party wishes to state opinions on the motion for order to submit documents, he/she shall submit a document stating his/her opinions to the trial examiner-in-chief.

2. The provision of the preceding paragraph shall apply mutatis mutandis to a request under the provision of Article 222, paragraph 1 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law.

(Retention of Presented Document)

**Article 61-ter.** The trial examiner may, if he/she finds it to be necessary, retain temporarily a document that has been presented pursuant to the provision of the first sentence of Article 223, paragraph 6 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law.

(Trial Record of Examination of Evidence by Commissioned Trial Examiner)

**Article 61-quarter.** In cases of having a commissioned trial examiner or a commissioned judge examine documentary evidence, the trial examiners may specify the matters to be stated

in the trial record concerning said examination of evidence.

2. A trial clerk, in the cases when the commissioned trial examiner performed the examination of evidence, may attach a copy of the document set forth in the preceding paragraph to the trial record of the preceding paragraph.

(Method of Submission, etc. of Document)

**Article 61-quinquies.** When submitting or sending a document as a request for the examination of documentary evidence, the original, an authenticated copy, or a certified transcript of the document shall be submitted or sent.

2. Notwithstanding the provision of the preceding paragraph, the trial examiners may order the submission of the original or sending of the original.

(Handling in Cases where Request for Examination of Transcription of Audio Tape, etc. was Made)

**Article 61-sexies.** A party or an intervenor who has requested the examination of documentary evidence by submitting a document containing the transcription of a magnetic tape, etc. shall, if the adverse party has requested delivery of a copy of the magnetic tape, etc., deliver such copy to the adverse party.

(Clear Indication of Reason in Cases of Denying Authenticity of Creation of Document)

**Article 61-septies.** When denying the authenticity of the creation of a document, the reason therefor shall be clarified.

(Trial Record, etc. pertaining to Document, etc. to be Used for Comparison of Handwriting, etc.)

**Article 61-octies.** The original, transcript, a certified copy, or an extract of document used for the comparison of handwriting or seal impressions as prescribed in Article 229, paragraph 1 of the Code of Civil Procedure applied under Article 151 of the Patent Law shall be attached to the trial record.

2. The provision of Article 61-ter shall apply mutatis mutandis to the submission of documents and other items under Article 223, paragraph 1 of the Patent Law applied mutatis mutandis under Article 229, paragraph 2 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law.

3. The provision of Article 61-quarter shall apply mutatis mutandis to a trial record in cases of having a commissioned trial examiner or a commissioned judge conduct an observation of the document or any other items that have been submitted or sent under the provisions of Article 219, Article 223, paragraph 1, and Article 226 of the Code of Civil Procedure applied mutatis mutandis under Article 229, paragraph 2 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law

(Application Mutatis Mutandis to Items Equivalent to Documents)

**Article 61-novies.** The provisions of Article 50 and Article 61 to the preceding Article, except as otherwise provided, shall apply mutatis mutandis to the items prescribed in Article 231 of the Code of Civil Procedure applied mutatis mutandis under Article 151 of the Patent Law.

(Matters to be Stated in the Description of Evidence such as Photograph)

**Article 61-decies.** When requesting the examination of evidence for a photograph or audio tape, etc., what is photographed or recorded and the date and place of the taking of the

photograph or making the recording shall also be clarified in the description of evidence.

(Submission of Documents Explaining the Contents of Audio Tapes, etc)

**Article 61-undecies.** A party or an intervenor who has requested the examination of evidence for an audio tape, etc. shall, upon request of the trial examiners or the adverse party, submit a document explaining the contents of the audio tape, etc. (including a document containing the transcription of the audio tape, etc.).

2. When the adverse party has an opinion regarding the contents explained in the documents of the previous paragraph, documents stating the opinion shall be submitted to the trial examiner-in-chief.

3. The documents of paragraph 1 shall be prepared in accordance with Format 65-tervicies, in connection with a trial against the Examiner's decision of refusal and in connection with other cases, shall be prepared in accordance with Format 65-quarter vicies.

### **Subsection 6 Inspection**

(Formal Requirements for Request for Inspection)

**Article 62.** A request for inspection shall be made identifying the object of the inspection.

2. The request described in the preceding paragraph shall be made in accordance with Format 65-quinvicies, for a trial against Examiner's decision of refusal, and for other cases, shall be made in accordance with Format 65-septies vicies.

(Indication of the Object of Inspection, etc)

**Article 62-bis.** The provision of Article 61-ter shall apply mutatis mutandis to the indication of the object of the inspection, and the provision of Article 62-quartershall apply mutatis mutandis to a record in cases of having a commissioned trial examiner or a commissioned judge inspect the object of the inspection that has been indicated or sent.

### **Subsection 7 Preservation of Evidence**

(Examination of Evidence in Procedure for Preservation of Evidence)

**Article 63.** The provisions of this Section shall be applied to the examination of evidence in the procedure for the preservation of evidence.

(Formal Requirements for Motion for the Preservation of Evidence)

**Article 64.** A person filing a motion for the preservation of evidence shall submit the preservation of evidence written application prepared in accordance with Format 66 to the Director General of Patent Office or the trial examiner-in-chief. However, prior to the request for trial, this shall be submitted to the Director General of Patent Office.

2. A prima facie showing shall be made with regard to the grounds for the preservation of evidence.

(Forwarding of Record of Preservation of Evidence)

**Article 65.** In cases where the examination of evidence has been conducted for the preservation of evidence, a trial examiner that has examined the evidence shall forward the record concerning the examination of evidence to a trial examiner who has the case record of the trial.

## **Chapter 9 Certificate of Patent, Indication of Patent, and Annual Fees**

(Certificate of Patent)

**Article 66.** A certificate of patent shall describe the following matters.

- 1) patent number
- 2) title of the invention
- 3) name and the domicile or residence of the patentee
- 4) names of the inventors
- 5) the fact that the establishment of a patent right has been registered, or the trial decision or ruling which has become concluded to accept the correction of the specification, scope of claims or drawings attached to the request has been registered
- 6) other necessary matters

**Article 67.** When a certificate of patent has been soiled, damaged, or has been lost, a person who has obtained an issuance of the certificate of patent may request a re-issuance of a certificate of patent. However, in the case where the certificate of patent has been soiled or damaged, the certificate of patent shall be submitted.

(Indication of Patent)

**Article 68.** The indication of patent of Article 187 of the Patent Law consists of the character “patent” and its patent number, in the case of the invention of a product, and consists of the character “Process patent” and its patent number, in the case of the invention of a process of producing a product.

(Format, etc., of Statement of Payment of Annual Fees)

**Article 69.** A person who will obtain a registration of an establishment of a patent right shall pay the annual fees using annual fee statement of payment prepared in accordance with Format 69, and the patentee shall pay the annual fees using annual fee statement of payment prepared in accordance with Format 70.

2. The statement of payment of the preceding paragraph, notwithstanding the provision of Article 1, paragraph 3, does not require the seal of the person making payment.
3. When paying the annual fees as prescribed in Article 107, paragraph 3 of the Patent Law, where a patent right is jointly owned by persons including the State, the portion of their respective shares of persons other than the State, and where a patent right is jointly owned by persons including a person entitled to receive a reduction/exemption under the provisions of Article 109 of the Patent Law or the provision of other laws and ordinances, the portion of their respective shares of persons who have obtained an reduction/exemption shall be respectively stated in the annual fee statement of payment, and the documents for certification with regards to the portion of their respective shares shall be submitted. In such a case, where a person who has already submitted documents for certification to the Patent Office may omit the submission of the documents for certification if there are no changes in the matters described therein.
4. When requesting the application to the provisions of Article 13, paragraph 3 of the Act on the Promotion of Technology Transfer from Universities, Article 56 of the Act on Special Measures for Industrial Revitalization and Innovation, or Article 17, paragraph 1, items 1 to 5 and items 10 and 11 of Industrial Technology Enhancement Act, this shall be stated in an annual fee statement of payment.
5. When requesting the application to the provisions of Article 17, paragraph 1, items 6 to 9 or article 18, paragraph 1 of the Industrial Technology Enhancement Act Article, this and the number of the written confirmation in Article 7, paragraph 2 or Article 8, paragraph 2 of the Industrial Technology Enhancement Act Enforcement Regulations shall be stated in the annual fee statement of payment.

6. When requesting the application of Article 9, paragraph 1 of the Act on Enhancement of Small and Medium Sized Enterprises' Core Manufacturing Technology, this and the number of the written confirmation of Article 6, paragraph 2 of the Enforcement Ordinance of the Law concerning Act on Enhancement of Small and Medium Sized Enterprises' Core Manufacturing Technology shall be stated in the annual fee statement of payment.

## **Chapter 10 Reduction, Exemption or Deferment of Patent Fees**

(Requirements for Individuals With Insufficient Funds)

**Article 70.** The calculation of income under the provisions of Article 14, item 1b and c of the Patent Law Enforcement Order and Article 1-bis, item 1 b and c of the Order for the Patent Law and Other Related Fees is performed by summing the amounts of various incomes calculated under the provisions of Article 23 to Article 35, and Article 69 of the Income Tax Law (Law, item 33 of 1965).

2. The amount prescribed in Article 14, item 1 b of the Patent Law Enforcement Order and METI Ordinance set forth in Article 1-bis, item 1 b of the Order for the Patent Law and Other Related Fees is 1,500,000 yen.

3. The amount prescribed in Article 14, item 1c of the Patent Law Enforcement Order and METI Ordinance set forth in Article 1-bis, item 1c of the Order for the Patent Law and Other Related Fees is 2,500,000 yen.

(Requirements of Business Operator with Insufficient Funds)

**Article 71.** The amount prescribed in Article 14, item 2a of the Patent Law Enforcement Order and METI Ordinance set forth in Article 1-bis, item 1a of the Order for the Patent Law and Other Related Fees is the amount corresponding to 60% of the amount (when the amount of profit in the fiscal year is included on the balance sheet, the amount of profit should be deducted, and when the amount of losses in the fiscal year is included on the balance sheet, the amount of losses should be added) which is obtained by deducting the book value of the total liability included on the balance sheet from the book value of the total assets included on the balance sheet at the end of the previous business year (in the case of a corporation for whom the due date for submitting a tax return (Referred to as a tax return as prescribed in Article 2, item 31 of the Corporation Tax Law (Act No. 34 of 1965)) of the fiscal year from the date of the establishment of the corporation has not yet come, the balance sheet at the time of the establishment).

2. The calculation of income of the non-resident(referred to as “non-resident” in Article 74) prescribed in Article 14, item 2 b of the Patent Law Enforcement Order and Article 2, paragraph 1, item 5 of the Income Tax Law, and Article 1-bis, item 1 b of the Order for the Patent Law and Other Related Fees is made by summing the real estate income and the amount of business income, calculated under Article 26 and Article 27 of the Income Tax Law.

3. The amount prescribed in Article 14, item 2 b of the Patent Law Enforcement Order and METI Ordinance set forth in Article 1-bis, item 1b of the Order for the Patent Law and Other Related Fees is 2,900,000 yen.

4. The calculation of income of a foreign corporation (referred to as “foreign corporation” in Article 74) prescribed in Article 14, item 2 b of the Patent Law Enforcement Order and Article 2, paragraph 1, item 7 of the Income Tax Law, and Article 1-bis, item 1b of the Order for the Patent Law and Other Related Fees is made by deducting the total amount of the operating costs from the total amount of the operating revenue.

5. The relationship prescribed in Article 14, item 2 c of the Patent Law Enforcement Order and METI Ordinance set forth in the Order for the Patent Law and Article 1-bis, item 1c of

the Other Related Fees, is specified in item 1 or in item 2 when the corporation solely or jointly owns an amount of contribution or issued shares of a corporation corresponding to Article 14, item 2 a and b of the Patent Law Enforcement Order, respectively.

1. the relationship in which a number of shares or an amount of contribution corresponding to one-half or more of the total number of issued shares, the total number of units of contribution, or the total value of the contribution are owned
2. the relationship in which a number of shares or an amount of contribution corresponding to two-thirds or more of the total number of issued shares, the total number of units of contribution, or the total value of the contribution are owned

(Format of Written Application for Reduction/Exemption of Annual Fees, etc)

**Article 72.** The written application prescribed in Article 15, paragraph 1 of the Patent Law Enforcement Order shall be prepared in accordance with Format 71.

2. The written application of the previous paragraph, notwithstanding the provision of Article 1, paragraph 3, does not require the seal of the applicant.

(Format of Written Application for Reduction/Exemption of Fees of Request for Examination)

**Article 73.** The written application prescribed in Article 1-ter, paragraph 1 of the Order for the Patent Law and Other Related Fees shall be prepared in accordance with Format 72.

2. The written application of the preceding paragraph, notwithstanding the provision of Article 1, paragraph 3, does not require the seal of the applicant.

(Documents to be Attached)

**Article 74.** The documents prescribed in Article 15, paragraph 2, items 2 and 3 of the Patent Law Enforcement Order and METI Ordinance set forth in Article 1-ter, paragraph 2, items 2 and 3 of the Order for the Patent Law and Other Related Fees consist of a copy of the report regarding a tax corresponding to the foreign income tax prescribed in the Article 95, paragraph 1 of the Income Tax Law.

2. The documents other than those listed in the items of Article 15, paragraph 3 of the Patent Law Enforcement Order and specified by METI Ordinance and the documents other than those listed in the items of Article 1-ter, paragraph 3 of the Order for the Patent Law and Other Related Fees and specified by METI Ordinance are the documents which state the names and residences of the stockholders, etc (i.e., the stockholders, etc., defined in the Article 2, item 14 of the Corporation Tax Law) and the number of shares or the amount of the contribution held thereby on the last day of the previous fiscal year.

3. The documents prescribed in METI Ordinance set forth in Article 15, paragraph 3, item 1 of the Patent Law Enforcement Order and of the Order for the Patent Law and Article 1-ter, paragraph 3, item 1 of the Other Related Fees in the case of a foreign corporation, are those published or issued from a public agency or other documents similar thereto, which describe the following matters.

1) name and residence

2) total amount of capital or contribution

4. The document prescribed in METI Ordinance set forth in Article 15, paragraph 3, item 2 of the Patent Law Enforcement Order or the Order for the Patent Law and Article 1-ter, paragraph 3, item 2 of the Other Related Fees is the document described in paragraph 1, in the case of a non-resident or is a profit and loss statement in the case of a foreign corporation.

(Format of Request for Refund of Paid Annual Fees)

**Article 75.** A request for refund of annual fees under Article 111, paragraph 1 of the Patent

Law shall be made in accordance with Format 73.

(Format of Request for Refund of Examination Fees)

**Article 76.** A request for refund of examination fees under Article 195, paragraph 9 of the Patent Law shall be made in accordance with Format 74.

(Format of Request for Refund of Fees Paid by Mistake or in Excess)

**Article 77.** A request for refund of fees under Article 195, paragraph 11 of the Patent Law shall be made in accordance with Format 75.