

Note: When any ambiguity of interpretation is found in this provisional translation, the Japanese text shall prevail.

Contents

Part VI Special Application

Chapter 1 Division of Patent Application

Section 1 Requirements for Division of Patent Application

1. Overview	- 1 -
2. Requirements for and Effect of Division of a Patent Application	- 1 -
2.1 Formal requirements for the division of a patent application	- 1 -
2.1.1 Person entitled to divide a patent application	- 1 -
2.1.2 When the division of a patent application is allowed	- 2 -
2.2 Substantive requirements for the division of a patent application	- 3 -
2.3 Effect of the division of a patent application	- 4 -
3. Determination on the Substantive Requirements	- 4 -
3.1 All of the inventions stated in the description, etc., as they stand immediately prior to the division of the original application do not together constitute the invention claimed in the divisional application (Requirement 1)	- 4 -
3.2 The matters stated in the description, etc., of the divisional application are within the scope of those stated in the description, etc., as they stood at the time of filing of the original application (Requirement 2)	- 4 -
3.3 The matters stated in the description, etc., of the divisional application are within the scope of those stated in the description, etc., as they stand immediately prior to the division of the original application (Requirement 3)	- 5 -
4. Procedure of Examination for Determination on the Substantive Requirements	- 5 -
4.1 Treatment in the case where the substantive requirements are not met	- 5 -
4.2 Request for the submission of written explanations necessary for judgment on the substantive requirements	- 5 -
5. Points to Note Concerning Determination on the Requirements for Division	- 6 -
5.1 Divisional application whose original application is a divisional application	- 6 -

5.2	If an application is divided on the same day when an appeal against the examiner's decision of refusal is filed.....	- 7 -
6.	Points to Note Concerning Examination of Divisional Application	- 7 -
6.1	Confirmation of the contents of examination, appeal, etc., of other applications.....	- 7 -
6.2	Treatment in the case where the invention claimed in the divisional application is the same as the one claimed in the original application after division	- 7 -

Section 2 Notification under Article 50bis

1.	Overview	- 1 -
2.	Determination on whether or not to Give the Article 50bis Notification	- 1 -
2.1	The application concerned and such other patent application are deemed to have been filed simultaneously pursuant to the provision of Article 44bis (Requirement 1).....	- 2 -
2.2	Reasons for refusal of the application concerned are the same as those stated in a notice of reasons for refusal of such other patent application (Requirement 2)	- 3 -
2.3	The notice of reasons for refusal of such other patent application was accessible to the applicant of the application concerned prior to the filing of a request for examination thereof (Requirement 3)	- 4 -
3.	Procedure of Examination for Determination on whether or not to Give the Article 50bis Notification	- 5 -
3.1	Procedure	- 5 -
3.2	Matters to be stated in the Article 50bis notification.....	- 6 -
4.	Procedure of Examination where an Amendment is Made in Response to a Notice of Reasons for Refusal Accompanied by the Article 50bis Notification	- 6 -
4.1	If the notice of reasons for refusal is "non-final"	- 7 -
4.1.1	If it was appropriate to give the Article 50bis notification	- 7 -
4.1.2	If it was inappropriate to give the Article 50bis- notification	- 8 -
4.2	If the notice of reasons for refusal is "final".....	- 9 -
4.2.1	If at least either the giving of the Article 50bis notification or the issuance of the notice as "final" was appropriate	- 9 -
4.2.2	If both the giving of the Article 50bis notification and the issuance of the notice as "final" were inappropriate	- 10 -

Chapter 2 Conversion of Application (Patent Act Article 46)

1. Overview	- 1 -
2. Requirements for Conversion of Application	- 1 -
2.1 Formal requirements for the conversion of an application	- 1 -
2.1.1 Person entitled to convert an application	- 1 -
2.1.2 When the conversion of an application is allowed	- 2 -
2.2 Substantive requirements for the conversion of an application	- 2 -
2.3 Effect of conversion of application	- 3 -
3. Judgment on the Substantive Requirements and Procedure of Examination therefor	- 3 -
4. Point to Note when Making a Judgment on the Substantive Requirements	- 3 -
4.1 If the original application is a divisional application	- 3 -
5. Point to Note in Connection with the Conversion of a Design Registration Application into a Patent Application	- 3 -
5.1 When the conversion of an application is allowed	- 4 -
5.2 Substantive requirements for the conversion of an application	- 4 -

Chapter 3 Patent Application Based on Utility Model Registration (Patent Act Article 46bis)

1. Overview	- 1 -
2. Requirements for Patent Application based on Utility Model Registration	- 1 -
2.1 Formal requirements for patent application based on utility model registration	- 1 -
2.1.1 Person entitled to file a patent application based on utility model registration	- 1 -
2.1.2 When a patent application based on utility model registration may be filed	- 2 -
2.1.3 Abandonment of a utility model right	- 2 -
2.2 Substantive requirements for patent application based on utility model registration	- 2 -
2.3 Effect of patent application based on utility model registration	- 3 -
3. Judgment on the Requirements for Patent Application based on Utility Model Registration, and Procedure of Examination therefor	- 3 -
4. Point to Note when Examining a Patent Application based on Utility Model Registration	- 4 -

Chapter 4 Reference filing (Patent Act Article 38ter)

1. Overview	- 1 -
2. Requirements for reference filing	- 1 -
2.1 Formal requirements for reference filing	- 2 -
2.1.1 Person entitled to file a reference filing	- 2 -
2.1.2 Type of application which is not applicable as the reference filing	- 2 -
2.1.3 Application which is applicable as the earlier patent application	- 2 -
2.1.4 Document which should be submitted in the reference filing	- 2 -
2.2 Substantive requirements for the reference filing	- 3 -
3. Determination on the Substantive Requirements	- 3 -
3.1 Concrete determination steps	- 3 -
3.2 Case where the description, etc. of earlier patent application is stated in foreign language	- 4 -
4. Procedure of Examination for Determination on the Substantive Requirements	- 4 -

<Relevant Provisions>