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V. New Matter

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A. Overview of New Matter

PCT

Patent Cooperation Treaty Article 34(2)(b)

“The amendment shall not go beyond the disclosure in the international application as filed.”

JP

Japanese Patent Act Article 17bis(3)

“... any amendment of the description, scope of claims or drawings ... shall be made within the scope of the matters stated in the description, scope of claims or drawings originally attached to the application ...”

A. Overview of New Matter

Amendments shall be made within the scope stated in the original application.

(“within the scope stated in the original application”

= Does not include contents beyond the scope of matters stated in the originally attached description, etc. (“description, etc.” = “description, claims or drawings”))

- (1) “matters stated in the originally attached description, etc.,” means not only “matter explicitly stated in the originally attached description, etc.,” but also “matter that are obvious from the statement in the originally attached description, etc.”
- (2) Amendments are not permitted if they introduce new technical matters.

The scope stated in the original application

