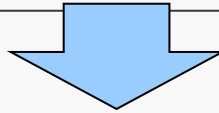


2. Appeal against an examiner's decision of refusal

2.(1) Appeal against an Examiner's Decision of Refusal

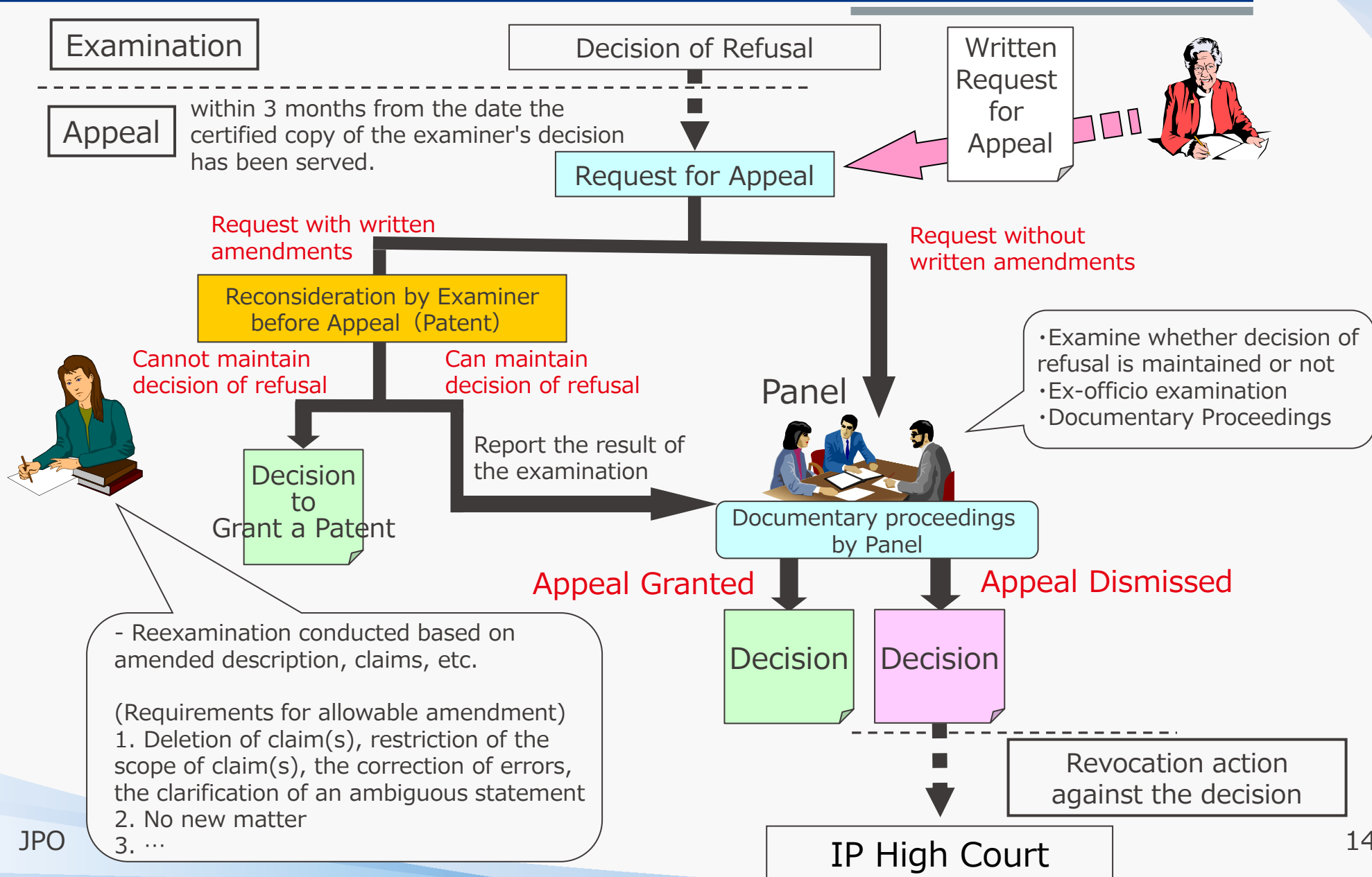
Patent Act Article 121(1)

A person who has received an examiner's decision to the effect that an application is to be refused and is dissatisfied may file a request for an appeal against the examiner's decision of refusal **within 3 months** from the date the certified copy of the examiner's decision has been served.

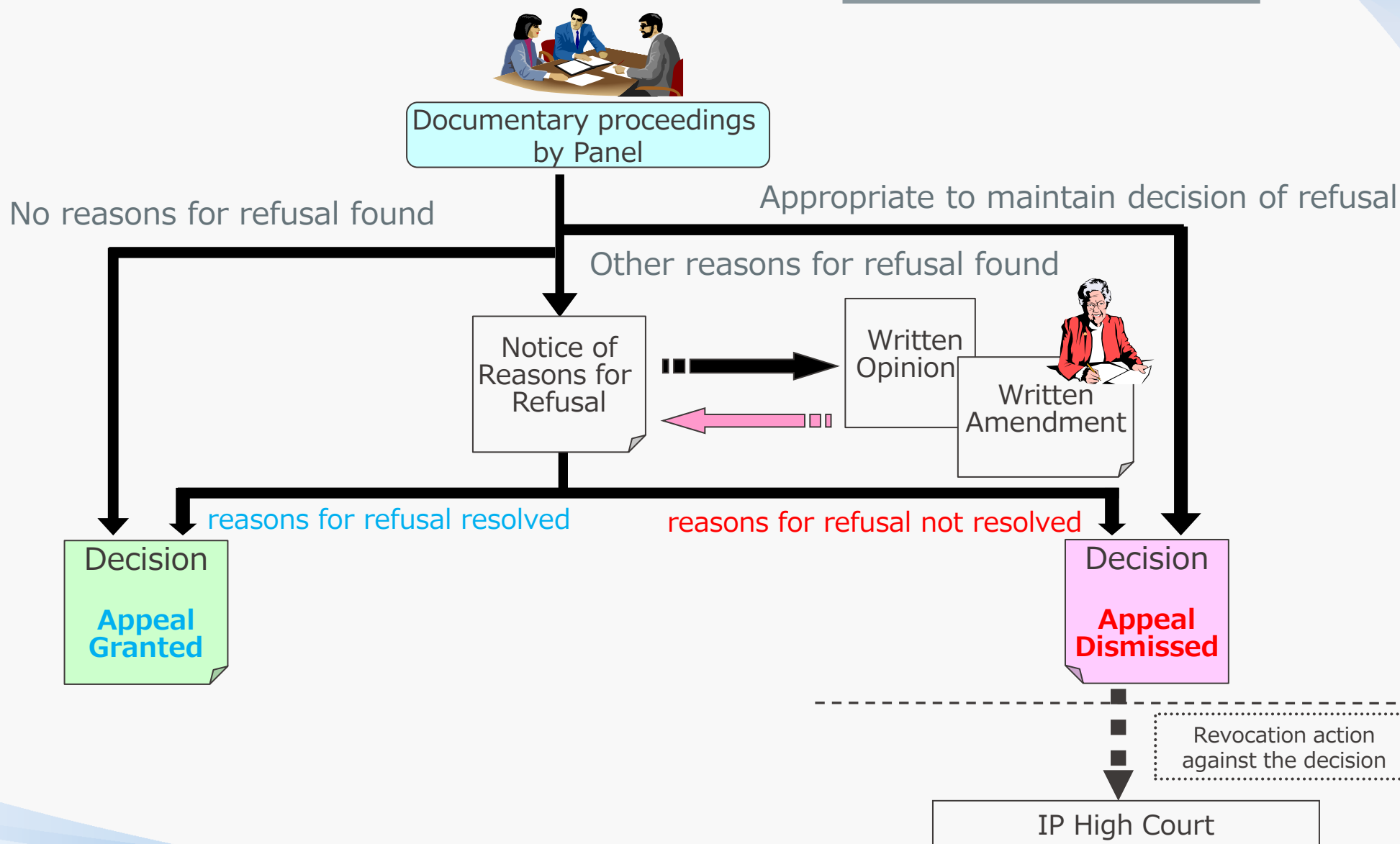


- In general, a person who is not satisfied with the administrative disposition of administrative agencies may file a lawsuit with the court. However, the Patent Act provides an unique appeal system which serves as a means to determine the appropriateness of examination results.
- A panel consisting of three or five administrative judges determines the appropriateness of a decision of refusal made by an examiner after conducting an ex officio investigation, and renders an appeal decision.

2.(2) Procedures for Appeal against an Examiner's Decision of Refusal



2.(2) Procedures for Appeal against an Examiner's Decision of Refusal

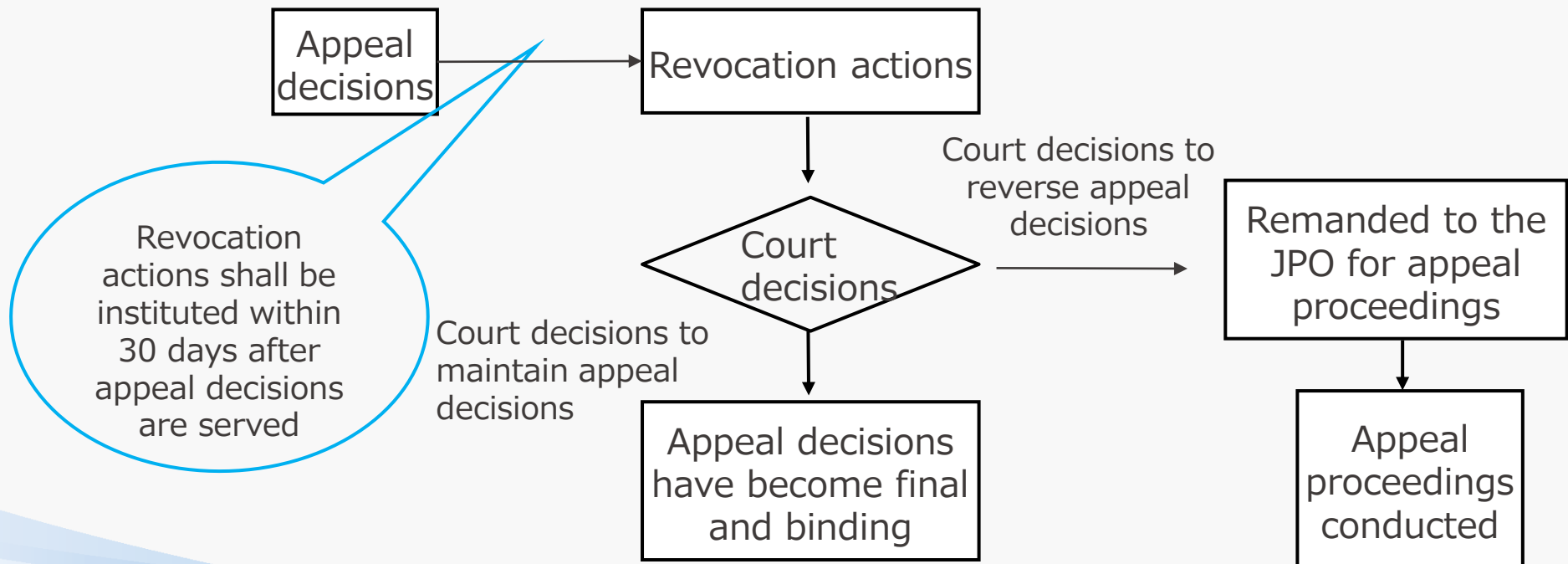


2.(2) Procedures for Appeal against an Examiner's Decision of Refusal

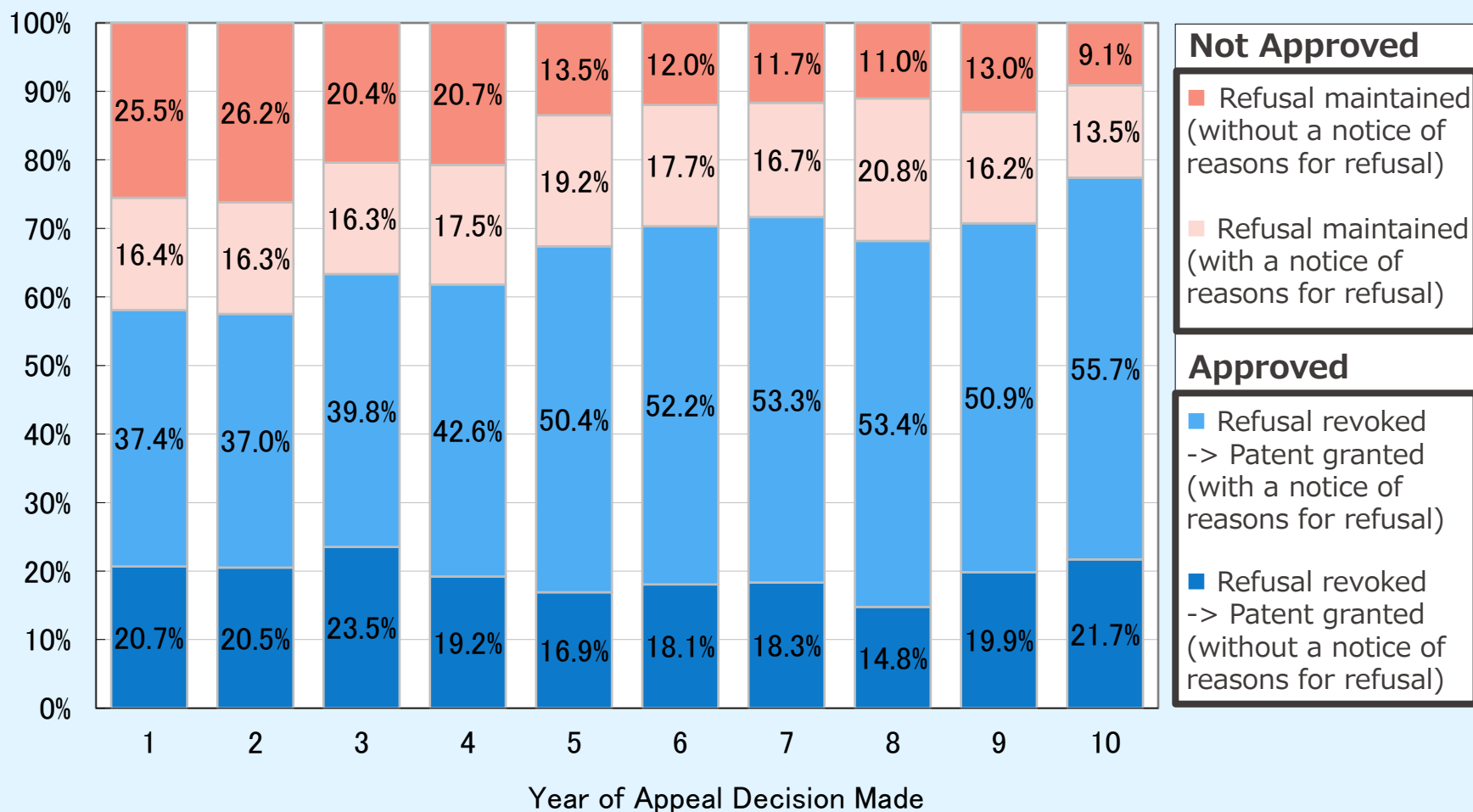
Procedures after an appeal decision to maintain an examiner's decision is rendered

A person who is not satisfied with the JPO's appeal decision may file a **revocation action against an appeal decision before the court.**

A revocation action may be instituted naming **the Commissioner of the JPO as a defendant** with the Intellectual Property High Court



2.(3) Statistics - Results of Proceedings



Note: excluding decision to grant a patent upon reconsideration by examiner, dismissal, withdrawal, and abandonment

2.(3) Statistics - Revocation Actions against Appeal Decisions

