

## Relevant Provisions

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### Design Act

Article 60-24 A person that undertakes a procedure with regard to an application for design registration, a request or any other procedures regarding design registration, may make amendments only while the case is pending in examination, trial, appeal, or retrial.

### Article 68

(Paragraphs (1) and (3) onward omitted)

(2) The provisions of Articles 6 through 9, Articles 11 through 16, Article 17, paragraphs (3) and (4), Articles 18 through 24, and Article 194 (Procedures) of the Patent Act apply mutatis mutandis to procedures for an application for design registration or a request, and any other procedures related to design registration. In this case, the phrase "appeal against an examiner's decision of refusal" in Article 9 of the Patent Act is deemed to be replaced with "appeal against an examiner's decision of refusal or appeal against an examiner's decision to dismiss amendment" and the phrase "appeal of the examiner's decision of rejection" in Article 14 of that Act is deemed to be replaced with "appeal against an examiner's decision of refusal or trial against an examiner's decision to dismiss amendment".

### Patent Act

#### Article 17

(Paragraphs (1) and (2) omitted)

(3) The Commissioner of the Japan Patent Office may order an amendment to be made with respect to a procedure with an adequate, specified period of time, in the following cases:

- (i) the procedures do not comply with Article 7, paragraphs (1) through (3) or Article 9;
- (ii) the procedure does not comply with the formal requirements specified by this Act or to an order that is based on this Act; and
- (iii) the fees relating to the procedure that are to be paid pursuant to Article 195, paragraphs (1) through (3) have not been paid.

(4) To amend procedures (except in the case of the payment of fees), a written amendment must be submitted, except for cases provided for in Article 17-2, paragraph (2).

### Design Act

Article 17-2 (1) If an amendment made to a statement in the application, or to the drawing, photograph, model, or specimen attached to the application has changed its gist, the examiner must dismiss the amendment in a ruling.

(2) The ruling dismissing an amendment pursuant to the provisions of the preceding paragraph must be made in writing with its reasoning.

(3) If the ruling dismissing an amendment pursuant to the preceding paragraph (1) has been rendered, the examiner must not render a decision on the application for design registration until three months have lapsed from the date on which a certified copy of the ruling has been served.

- (4) If an applicant for design registration files a request for trial of an examiner's ruling dismissing an amendment pursuant to the provisions of paragraph (1), the examiner must suspend the examination of the application for design registration until the trial decision becomes final and binding.