

Relevant Provisions

Design Act

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

Article 68

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

(2) Article 6 to 9, 11 to 16, 17(3) and 17(4), 18 to 24 and 194 (Procedures) of the Patent Act shall apply mutatis mutandis to an application for design registration, a request, or any other procedures relating to design registration. In this case, the term “hearing against an examiner’s decision of refusal” in Article 9 of the Patent Act shall be deemed to be replaced with “request for an appeal against an examiner’s decision of refusal and appeal against examiner’s ruling dismissing an amendment.” and the term “hearing against an examiner’s decision of refusal“ in Article 14 of the Patent Act shall be deemed to be replaced with “request for appeal against an examiner’s decision of refusal and appeal against examiner’s ruling dismissing an amendment.”

Patent Act

Article 17

(Paragraphs (1) and (2) omitted)

- (3) The Commissioner of the Patent Office may require an applicant to amend a procedure, designating an adequate time limit, in the following cases:
- (i) where the procedures do not comply with paragraphs (1) to (3) of Article 7 or Article 9;
 - (ii) where the procedures do not comply with the formal requirements prescribed by this Act or an order thereunder; and
 - (iii) where the fees relating to the procedures payable under paragraphs (1) to (3) of Article 195 are not paid.
- (4) For any amendment of procedures (except in the case of the payment of fees), written amendment shall be submitted in writing, except for cases provided by Article 17-2(2).

Design Act

Article 17-2 (1) Where an amendment made to any statement in the application, or to the drawing, photograph, model or specimen attached to the application has changed the gist thereof, the examiner shall dismiss the amendment by a ruling.

- (2) The ruling dismissing an amendment under the preceding paragraph shall be made in writing and state the reasons therefor.
- (3) Where the ruling dismissing an amendment under the preceding paragraph (1) has been rendered, the examiner shall not render a decision on the application for design registration before the expiration of three months from the date on which a certified copy of the ruling has been served.
- (4) Where an applicant for design registration files a request for appeal against an examiner's ruling dismissing an amendment under paragraph 1, examination of

the application for design registration shall be suspended until the appeal and trial decision becomes final and binding.