

## Chapter 1 Principles of the Examination and Flow of Examination

### 1101 Timing of Application of the Examination Guidelines and the Reasons for Refusal, etc. relating to the Examination Guidelines

Timing of Application of the Examination Guidelines and the Examination Handbook is indicated in Table 1. And reasons for refusal and the reasons for dismissal of the amendment relating to the Examination Guidelines is indicated in Table. 2.

Table 1: Timing of Application of the Examination Guidelines and the Examination Handbook

Act	1990 Act	1993 Act	1994 Act	1999 Act	2002 Act	2003 Act	2004 Act	2006 Act	2008 Act	2011 Act	2015 Act	2018 Act
Effective date	From Dec. 1, 1990	From Jan. 1, 1994	From Jul. 1, 1995	From Jan. 1, 2000	From Sep. 1, 2002	From Jan. 1, 2004	From Apr. 1, 2005	From Apr. 1, 2007	From Apr. 1, 2009	From Apr. 1, 2012	From Apr. 1, 2016	From June 9, 2018
Point of law revision	* Introduction of abstract	* Improvement of scope of amendments * Introduction of utility model registration system	* Introduction of system of application accompanied by foreign language documents * Easing of description requirements for description	* Article 29 (being publicly known or publicly worked in foreign country, being made available to public through electrical communication lines) * Revision of patent term extension registration system	* Introduction of system of disclosure of information on prior art documents * Clarification to the effect that "a product" includes a computer program * Separation of scope of claims from description (from Jul. 1, 2003)	* Requirement of unity of invention	* Introduction of system of patent application based on utility model registration * Enlargement of allowable range of correction to utility model registration	* Prohibition of amendment changing special technical feature of invention * Easing of timing restriction for divisional applications * Prevention of abuse of divisional application system * Extension of period for submission of translations of foreign language document application	* Extension of period for filing request for appeal against examiner's decision of refusal	* Revision of provision concerning exceptions to loss of novelty of invention * Revision of provision concerning usurped application as prior application	* Introduction of system of reference filing	* Revision of provision concerning exceptions to loss of novelty of invention
Outline of Examination	Part I Outline of Examination (*) Statements on the Examination Guidelines after Part II shall be according to the following Timing of Application.											
Description and Claims	Part II Chapter 1 Requirements for Description											
	Part II Chapter 1 Section 3 Requirements for Disclosure of Information on Prior Art Documents											
	Part II Chapter 2 Requirements for Claims											
	Former Examination Guidelines Part I Chapter 2 Requirements of Unity of Application											
Patentability	Part III Patentability											
Amendments of Description, Claims or Drawings	Former Examination Guidelines Part III Amendments of Description, etc.											
	Part IV Amendments of Description, Claims or Drawings											
	Part IV Chapter 3 Amendment Changing Special Technical Feature of Invention											
Priority	Part V Priority											
Special Application	Examination Guidelines for Each Industry Division of Application (Revised)											
	Part VI Chapter 1 Division of Patent Application											
	Part VI Chapter 1 Section 2 Notice under Article 50bis											
	Part VI Chapter 2 Conversion of Application											
	Part VI Chapter 3 Patent Application Based on Utility Model Registration											
Foreign Language Written Application	Part VI Chapter 4 Reference filing											
	Part VII Foreign Language Written Application											
International Patent Application	Part VIII International Patent Application											
Extension of Patent Term	Part IX Extension of Patent Term											
Utility Model	(Substantially the same guidelines as those for patent applications)											
	Part X Utility Model											
Application examples of the specific technical fields	Examination Handbook Annex B Chapter 1 Computer software related Inventions											
	Portions related to "storage medium" claims, "2.1 Eligibility for Patent" (applications filed on or after Apr. 1, 1997)											
	Portions related to "program" claims (applications filed on or after Jan. 10, 2001)											
	Examination Handbook Annex B Chapter 2 Biological Inventions											
	Examination Handbook Annex B Chapter 3 Medicinal Inventions											

The "Examination Guidelines for Patent and Utility Model" is in principle applicable to applications filed on or after July 1, 1995. However, the portions added or modified as a result of subsequent revision made to the Act, changes to examination practice, and the like may only be applicable to a limited range of patent applications. In addition, subsequent revisions and changes may be associated with clarification of the previous interpretations and practices, revised provision and changed practices will also serve as reference information in interpretation of handling of applications filed prior to the Act 1994 entering into force.

Table 2: Timing of Application of the reasons for refusal and the reason for dismissal of the amendment relating to the Examination Guidelines

Act			1990 Act	1993 Act	1994 Act	1998 Act	1999 Act	2002 Act	2003 Act	2004 Act	2006 Act	2011 Act				
Effective date			From Dec. 1, 1990	From Jan. 1, 1994	From Jul. 1, 1995	From Jan. 1, 1999	From Jan. 1, 2000	From Sep. 1, 2002	From Jan. 1, 2004	From Apr. 1, 2005	From Apr. 1, 2007	From Apr. 1, 2012				
Reason for refusal	Requirements for Description	Enablement Requirement	Article 36(4)					Article 36(4)(i) (*9)								
		Ministerial Ordinance Requirement														
		Requirements for Disclosure of Information on Prior Art Documents	Article 36(4)(ii) (*9)													
	Description Requirements of Claims	Support Requirement						Article 36(5)(i), (6)		Article 36(6)(i) (*4)						
		Clarity Requirement						Article 36(5)(ii), (6)		Article 36(6)(ii) (*4)						
		Conciseness Requirement								Article 36(6)(iii) (*4)						
		Ministerial Ordinance Requirement on Statement of Claims						Article 36(5)(iii), (6)		Article 36(6)(iv) (*4)						
	Unity of Invention		Article 37							{(*10)						
	Eligibility for Patent and Industrial Applicability		Article 29(1) main paragraph													
	Novelty		Article 29(1)					{(*8)								
	Inventive Step		Article 29(2)					{(*8)								
	Secret Prior Art		Article 29bis		{(*1)											
	Prior Application		Article 39(1)–(4)				{(*7)			{(*11)		{(*13)				
Category of Unpatentable Invention		Article 32			{(*5)											
Reason for dismissal of the amendment	Amendment Adding New Matter			Article 17(2) (including Article 17bis(2)) (*2)		Article 17bis(3) (*6)										
	Amendment Changing Special Technical Feature of Invention										Article 17bis(4) (*12)					
	Amendment for other than the Prescribed Purposes	Deletion of a claim		Article 17bis(3)(i) (*3)		Article 17bis(4)(i)						Article 17bis(5)(i) (*12)				
		Restriction in a limited way of the claims		Article 17bis(3)(ii) (*3)		Article 17bis(4)(ii)						Article 17bis(5)(ii) (*12)				
		Correction of errors		Article 17bis(3)(iii) (*3)		Article 17bis(4)(iii)						Article 17bis(5)(iii) (*12)				
		Clarification of an ambiguous statement		Article 17bis(3)(iv) (*3)		Article 17bis(4)(iv)						Article 17bis(5)(iv) (*12)				
	Requirement of independent patentability			Article 17bis(4), Article 126(3) (*3)		Article 17bis(5), Article 126(5)						Article 17bis(6), Article 126(7) (*12)				
Reason for refusal	Foreign Language Written Application	New Matter beyond the Original Text				Article 17bis(3) (*6)										
		New Matter beyond Translation				Article 49(v) (*6)					Article 49(vi)					
	Points of law revision		Introduction of abstract	(*1) Application for utility model registration for which Utility Model Gazette has been issued serves as the basis for the prior-art effect as a result of abolition of publication of examined application and publication of unexamined application for utility model registration system. (*2) Improvement of scope of amendments (new matter) (*3) Incorporation of system of first notice of reasons for refusal and final notice of reasons for refusal	(*4) Easing of description requirements for description (*5) Reducing and decreasing of subject of unpatentable ground (atomic nucleus transformation material) (retroactively applied) (*6) Incorporation of system of foreign language application	(*7) Application waived and application for which examiner's decision of refusal became final and binding no more serve as prior application in the meaning of § 39(5).	(*8) Addition to the ground of refusal of novelty, of the inventions which have been publicly known or publicly worked in foreign country, and which have been made available to public through electrical communication lines.	(*9) Introduction of system of disclosure of information of prior art documents	(*10) Revision of unity of invention	(*11) Article 39(4) was revised in response to introduction of system of patent application based on utility model registration, so that application can be filed for invention identical with device of utility model registration.	(*12) Incorporation of system prohibiting amendment changing special technical feature of invention	(*13) Article 39(6) is deleted, so that usurped application also serves as prior application.				