

Note: When any ambiguity of interpretation is found in this provisional translation, the Japanese text shall prevail.

Part VII Foreign Language Written Application

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Chapter 1 Overview of Foreign Language Written Application System

Chapter 2 Examination of Foreign Language Written Application

7201 Handling the Case of Submission of a Written Amendment and a Correction of Translation Error on the Same Date

When a written amendment and a correction of translation error are submitted on the same date, the Examiner determines, based on the order of amendments, whether there can be change to the content of the description etc.

The case where the content can be changed depending on the order of amendments is, for example, a case where concrete amendment portions in each amendment are the same or a case where a written amendment and a correction of translation errors are submitted after the final notice of reasons for refusal (the content can be changed depending on appropriateness of the amendments).

The case where the content cannot be changed depending on the order of amendments is for example, a case where a written amendment and a correction of translation error are submitted along with the first notice of reasons for refusal, and amendment portions in each amendment are different for the respective amendment.

1. Handling when Content can be changed depending on the Order of Amendments

(1) In a case where the content can be changed by the order of amendments, the Examiner determines the earliness and lateness based on the content of the written amendment and of the correction of translation error or the allegations by the Applicant etc.

When the earliness and lateness is clear, it is determined that the amendments are made in the order of the earliness and lateness.

When the earliness and lateness is unclear from the content of the written amendment and the correction of translation error and no allegation by the Applicant etc. is made, the Examiner contacts the Applicant and requests the submission of a petition etc. for explaining the order of the amendments. Moreover, it is determined that the amendments are made in the order of amendments explained in the petition etc.

(2) When the written amendment and the correction of translation error are submitted on the same day as amendments before the first examination or as amendments in a

response period to the first notice of reasons for refusal, the Examiner proceeds the examination based on the content of the description, etc. on which the content of each amendment is reflected in the order of the determination according to the above (1).

(3) When the written amendment and the correction of translation error are submitted on the same day as amendments in a response period to the final notice of reasons for refusal, the Examiner determines, based on the order of such amendments, whether each amendment was legitimately amended. Moreover, the Examiner proceeds the examination based on the content of the description etc. in which the content of each amendment legitimately made is reflected with the order of determination according to above (1).

2. Handling when Content cannot be changed by the Order of Amendments

In a case where the content cannot be changed by the order of amendments, the Examiner proceeds the examination based on the content of the description etc. on which the content of written amendment and the correction of translation error is reflected.

7202 Handling the Case Where Submitted Translations Are Not Literal

In the case of a foreign language written application, the submitted documents that disclose the content of the invention at the time of filing (the documents corresponding to the originally filed Description, Claims, or Drawings in a regular patent application) are the foreign language documents. Furthermore, the translations of the foreign language documents are deemed to be the Description, Claims, and Drawings (hereinafter referred to as "the Description, etc."). Therefore, the examination of foreign language written applications is conducted based on these translations.

These translations are not required to be literal translations (one-to-one translations of the foreign language terms in the foreign language documents).

The examiner, when examining a foreign language written application, determines whether there is new matter not only based on the translations (i.e., new matter beyond the translations) in the same manner as in the examination of a regular patent application, but also based on new matter beyond the original text. In determining whether there is new matter beyond the original text in the translations of the foreign language documents, see 2.1 in "Part VII Chapter 2 Examination of Foreign Language Written Applications" of the Patent and Utility Model Examination Guidelines. That is, in case where the translations of the foreign language documents that have been properly translated into Japanese are regarded as "assumed translations", and where the translations of the foreign language documents (including the translations after the amendment made by the statement of written amendment or by the statement of correction of the incorrect translation) are considered as the amended Description, etc., corresponding to the assumed translations, the amendment is determined based on whether it adds new matter in relation to the assumed translations.

7299 Others

Concerning matters in the left columns of the following table below, refer to Reference in the columns on the right.

	Reference
The Notification by the Examiner pursuant to the provisions of Article 194(1) in the case where the description of the reasons and the like for correction are not sufficient.	"1218 Cases Where the Examiner Requests to Submit the Documents or Other Materials under the Provision of Article 194(1) " in "Part I Chapter 2 Procedures of Examination "