

<Relevant Provisions>

Patent Act

(Patent applications)

Article 36

(Omitted)

(2), (3) (Omitted)

(4) The statement of the detailed description of the invention as provided in item (iii) of the preceding paragraph shall comply with each of the following items:

(i) in accordance with Ordinance of the Ministry of Economy, Trade and Industry, the statement shall be clear and sufficient in such a manner as to enable any person ordinarily skilled in the art to which the invention pertains to work the invention; and  
(ii) where the person requesting the grant of a patent has knowledge of any inventions (inventions as provided in Article 29(1)(iii), hereinafter the same shall apply in this item) related to said invention, that has been known to the public through publication at the time of filing of patent application, the statement shall provide the source of the information concerning the inventions known to the public through publication such as the name of the publication and others.

(5) The scope of claims as provided in paragraph (2) shall state a claim or claims and state for each claim all matters necessary to specify the invention for which the applicant requests the grant of a patent. In such a case, an invention specified by a statement in one claim may be the same invention specified by a statement in another claim.

(6) The statement of the scope of claims as provided in paragraph (2) shall comply with each of the following item:

(i) the invention for which a patent is sought is stated in the detailed description for the invention;  
(ii) the invention for which a patent is sought is clear;  
(iii) the statement for each claim is concise;  
(iv) This provision refers the legal requirements regarding technical rules on the statement of claims to an ordinance of the Ministry of Economy, Trade and Industry.

7 (omitted)

Article 37

Two or more inventions may be the subject of a single patent application in the same application provided that, these inventions are of a group of inventions recognized as fulfilling the requirements of unity of invention based on their technical relationship designated in Ordinance of the Ministry of Economy, Trade and Industry.

(Notice of description of information concerning invention known to the public through publication)

Article 48septies

Where the examiner recognizes that a patent application does not comply with the requirements under the provision of Article 36(4)(ii), the examiner may notify the applicant of that effect and give said applicant an opportunity to file a written argument, designating an adequate time limit for such purpose.

(Decision of refusal)

Article 49

The examiner shall render an examiner's decision to the effect that a patent application is to be refused where the patent application falls under any of the following:

(i)-(iv) (Omitted)

(v) Where notice under the preceding Article has been issued, and the patent application does not comply with the requirements under Article 36(4)(ii) even after considering the amendments for the specifications or the written argument filed.

(vi) and (vii) (Omitted)

Regulations under the Patent Act

(Statement of the Detailed Description of the Invention)

Article 24bis

The statement of the detailed description of the invention which is to be in accordance with Ordinance of the Ministry of Economy, Trade and Industry under the Patent Act, Article 36(4)(i) shall be made by stating the problem to be solved by the invention and its solution, and other matters necessary for a person ordinarily skilled in the art to which the invention pertains to understand the technical significance of the invention.

(Statement of claims)

Article 24ter

Statement of claims under the provision of Article 36(6)(iv) of the Patent Act which are to be in accordance with an ordinance of the Ministry of Economy, Trade and Industry shall be as provided in each of the following items:

(i) for each claim, the statement shall start on a new line with one number being assigned thereto;

(ii) claims shall be numbered consecutively;

(iii) in the statements in a claim, reference to other claims shall be made by the numbers assigned thereto;

(iv) when a claim refers to another claim, the claim shall not precede the other claim to which it refers;

(v) When stating a claim by referring to a statement of two or more other claims in an alternative way, the claim which it refers shall not refer to a statement of two or more other claims in an alternative way.

(Unity of Invention)

Article 25octies

(1) The technical relationship designated in Ordinance of the Ministry of Economy, Trade and Industry under Patent Act Article 37 means a technical relationship in which two or more inventions must be linked so as to form a single general inventive concept by having the same or corresponding special technical features among them.

(2) The special technical feature provided in the former paragraph stands for a technical feature defining a contribution made by an invention over the prior art.

(3) The technical relationship provided in the first paragraph shall be examined, irrespective of whether two or more inventions are described in separate claims or in a single claim written in an alternative form.

