

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

Part I Chapter 2 Section 8 Communication with Applicant and Request for Documents etc.
Required for Examination

Section 8 Communication with Applicant and Request for Documents etc. Required for the Examination

1. Overview

The examiner shall communicate with the applicant willingly where it may be pointed out how the applicant can respond to overcome the reasons for refusal.

The examiner may suggest the amendments, the divisional application and so on in the notice of reasons for refusal etc., and communicate through the interview, telephone and facsimile (in this part, hereinafter referred to as "interview etc." in this part.) as a means for communication.

Also, the examiner may request the applicant to submit documents or other materials required for the examination (in this part, hereinafter referred to as "documents etc." in this part.) under the provision of Article 194(1) where the examiner considers them to be required for the examination.

2. Means for Communication

2.1 Suggestion of amendments, divisional application and so on in notice of reasons for refusal etc.

The examiner shall suggest the amendments, the divisional application and so on in the notice of reasons for refusal etc. willingly where it may be pointed out how the applicant can respond to overcome the reasons for refusal.

Here, this suggestion does not have any legal effects, and the amendments, the divisional application and so on should be filed by the intention and responsibility of the applicant.

Where the suggestion for the amendments is for overcoming a part of multiple reasons for refusal, the examiner shall describe so as to indicate to which reason for refusal this suggestion pertains.

2.2 Communication through interview, telephone and facsimile

The examiner shall communicate willingly through interview etc. where the

examiners determine that smooth communication with the applicant facilitates stable granting of right. The examiner shall communicate through interview based on the "Guideline for interview 'Patent examination edition'."

When communicating through the interview, the examiner shall prepare an interview record or a response record and contribute it to provide benefit for the access of the public in order to secure transparency in an interview procedure.

2.3 Points to note

The examiner shall be noted that the continuity of examination is ensured and secured even where the examiner in charge of the present application was changed. Where the new examiner intends to determine differently from the previous examiner, the new examiner shall communicate with the applicant as appropriate before the notice of reasons for refusal or the decision of refusal is issued so that the applicant will not be "blindsided."

<h3>3. Request for Submission of Documents etc. Required for Examination</h3>

The examiner may request the applicant to submit documents etc. required for the examination under the provision of Article 194(1) where the examiner considers them to be required for the examination.

Here, the examiner may also request to submit documents etc. required for the examination in a supplementary note of the notice of reasons for refusal.

(Points to note)

The examiner shall note that the submitted documents etc. are only references for the examination and may not replace the descriptions or drawings.