

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

Contents

Part II Description and Claims

Chapter 1 Requirements for Description

Section 1 Enablement Requirement (Patent Act Article 36(4)(i))

1. Overview	- 1 -
2. Basic Ideas of Determination of Enablement Requirement	- 2 -
3. Detail of Determination of Enablement Requirement	- 3 -
3.1 Determination depending on categories of invention	- 3 -
3.1.1 Invention of a product	- 4 -
3.1.2 Invention of a process	- 6 -
3.1.3 Invention of a process for producing a product	- 7 -
3.2 Types of violations of enablement requirement	- 8 -
3.2.1 Improper statement of embodiment	- 8 -
3.2.2 Violation of enablement requirement because of part of claimed invention, which cannot be carried out, other than embodiments	- 9 -
4. Examination Procedure for Determination of Enablement Requirement	- 10 -
4.1 Notice of reasons for refusal	- 11 -
4.1.1 Notice of reasons for refusal regarding enablement requirement	- 11 -
4.1.2 Relation between enablement requirement and support requirement (See “Chapter 2 Section 2 Support Requirement” for the support requirement in detail)	- 12 -
4.2 Arguments and/or explanation, etc. by applicant	- 12 -
4.3 Response by examiner to argument and/or explanation, etc. by applicant	- 13 -
5. Claims Including Specific Expressions	- 13 -
5.1 Markush grouping	- 13 -
5.2 Definition of product by result to be achieved	- 14 -
6. Points to Note	- 15 -

Section 2 Ministerial Ordinance Requirement (Patent Act Article 36(4)(i))

1. Overview	- 1 -
2. Determination Regarding Ministerial Ordinance Requirement	- 1 -
3. Procedures of Examination concerning Determination on Ministerial Ordinance Requirement	- 5 -

3.1	Notice of reasons for refusal	- 5 -
3.2	Argument and clarification of applicant	- 5 -
3.3	Response of examiner to argument and clarification of applicant	- 6 -

Section 3 Requirements for Disclosure of Information on Prior Art Documents
(Patent Act Article 36(4)(ii))

1.	Overview	- 1 -
2.	Determination of Requirements for Disclosure of Information on Prior Art Documents	- 2 -
2.1	Inventions whose information on prior art documents should be disclosed	- 2 -
2.1.1	To be the inventions known to the public through publication	- 2 -
2.1.2	To be invention relating to invention for which patent is sought	- 3 -
2.1.3	To be invention known to applicant	- 4 -
2.1.4	To be invention known to applicant at the time of filing of patent application	- 4 -
2.2	Description of information on prior art documents in the detailed description of the invention	- 5 -
2.2.1	Description of information on prior art documents	- 5 -
2.2.2	Where there is a large amount of information on prior art documents to be described	- 6 -
2.2.3	Where there is no information on prior art documents to be described	- 6 -
2.3	Addition of information on prior art documents by amendments	- 6 -
2.3.1	Determination of amendments for adding information on prior art documents	- 6 -
2.3.2	Where requirements for disclosure of information on prior art documents are not satisfied by amendments	- 7 -
2.4	Typical cases in which requirements for disclosure of information on prior art documents are not satisfied	- 7 -
3.	Procedure of Examination for Determination of Requirements for Disclosure of Information on Prior Art Documents	- 8 -
3.1	Notice under Article 48septies	- 9 -
3.1.1	Notice under Article 48septies	- 9 -
3.1.2	Response of applicant against notice under Article 48septies	- 9 -
3.1.3	Handling of examiner after response of applicant shown in 3.1.2	- 10 -

3.2	Notice of reason for refusal	10 -
3.2.1	Notice of reason for refusal on non-compliance with requirements for disclosure of information on prior art documents	10 -
3.2.2	Response of applicant against notice of reason for refusal	11 -
3.2.3	Handling by examiner after response of applicant shown in 3.2.2	11 -
4.	Procedures for Describing Information on Prior Art Documents in Specifications	12 -
4.1	Method for describing information on prior art documents	12 -
4.1.1	Principle	12 -
4.1.2	Description of contents of prior art	13 -
4.1.3	Description of prior application	13 -
4.1.4	Where there is no information on prior art documents to be described	13 -
4.2	Examples of description of information on prior art documents	13 -
4.2.1	Examples of appropriate description	13 -
4.2.2	Examples of inappropriate description	14 -

Chapter 2 Requirements for Claims

Section 1 Patent Act Article 36(5)

Section 2 Support Requirement (Patent Act Article 36(6)(i))

1.	Overview	1 -
2.	Determination of Support Requirement	1 -
2.1	Basic ideas of determination of support requirement	1 -
2.2	Types of violations of support requirement	2 -
3.	Examination Procedure for Determination of Support Requirement	6 -
3.1	Notice of reasons for refusal	6 -
3.1.1	Type (3) (see 2.2(3))	6 -
3.1.2	Type (4) (see 2.2(4))	7 -
3.2	Argument and/or explanation by applicant	7 -
3.2.1	Type (3) (see 2.2(3))	7 -
3.2.2	Type (4) (see 2.2(4))	8 -
3.3	Response by examiner to argument and/or explanation by applicant	8 -

Section 3 Clarity Requirement (Patent Act Article 36(6)(ii))

1.	Overview	1 -
----	----------	-----

2. Determination of Clarity Requirement	1 -
2.1 Basic ideas of determination of clarity requirement.....	1 -
2.2 Types of violation of clarity requirement	2 -
2.3 Points to note.....	13 -
3. Examination Procedure for Determination of Clarity Requirement.....	14 -
3.1 Notice of reasons for refusal	14 -
3.2 Applicant's argument or explanation etc.	14 -
3.3 Examiner's response to applicant's argument or explanation etc.	15 -
4. Claims including Specific Expression	15 -
4.1 Expression specifying the product by function or characteristics, etc. .-	15 -
4.1.1 Types of unclear inventions	15 -
4.1.2 Points to note.....	18 -
4.2 Expression specifying the invention of a sub-combination by elements of “another sub-combination”.....	19 -
4.3 Expression specifying a product by a manufacturing process	20 -
4.3.1 Types of unclear Inventions.....	20 -
4.3.2 The case where a claim concerning an invention of a product includes a manufacturing method for a product.....	21 -
4.3.3 Points to note.....	22 -

Section 4 Conciseness Requirement (Patent Act Article 36(6)(iii))

1. Overview.....	1 -
2. Determination of Conciseness Requirement.....	1 -
3. Procedure of Examination for Determination of Conciseness Requirement ...	2 -
3.1 Notice of reason for refusal	2 -
3.2 Arguments and clarifications, etc. of applicant	3 -
3.3 Handling of examiner on argument, clarification of applicant and so on-	3 -

Section 5 Ministerial Ordinance Requirement on Statement of Claims (Patent Act Article 36(6)(iv))

1. Overview.....	1 -
2. Determination of Article 36(6)(iv)	1 -
3. Procedure of Examination for Determination of Requirement under the Provision of Article 36(6)(iv)	2 -
3.1 Notice of reason for refusal	2 -
3.2 Argument and clarification of applicant	3 -

3.3 Handling of examiner on argument, clarification of applicant and so on - 3 -

Chapter 3 Unity of Invention (Patent Act Article 37)

1. Overview	- 1 -
2. Determination on Requirements of Article 37	- 1 -
3. Determination on Requirements of Unity of Invention	- 2 -
4. Specific Decision Procedures for Subject of Examination	- 6 -
4.1 Decision of subject of the examination based on special technical features	- 6 -
4.2 Decision of subject of the examination based on examination efficiency	- 9 -
4.3 Example of decision of subject of the examination	- 11 -
5. Procedure of Examination under Article 37	- 14 -
6. Example of "the same or corresponding special technical features" in Specific Examples	- 14 -
6.1 Examples with specific relation among inventions of claims	- 14 -
6.1.1 Product and method of producing the same or product and machine, instrument, device, the other means for producing the same	- 14 -
6.1.2 Product and method of using the same or product and another product solely utilizing specific properties of the product	- 15 -
6.1.3 Product and method of handling the same or product and another product handling the same	- 16 -
6.1.4 Method and machine, instrument, device, or other means directly used to carry out the method	- 16 -
6.2 Markush-form	- 17 -
6.3 Intermediate and final product	- 18 -

<Relevant Provisions>