

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

Chapter 2 Examination of Foreign Language Written Application

1. Overview

In the foreign language written application, documents in which the content of the invention has been disclosed as of filing to submit it (documents corresponding to the originally filed Description, the Claims or the Drawings (hereinafter, referred to as an "originally attached description etc." in this chapter) in a regular patent application) are the foreign language documents. Since the translation of the foreign language documents is deemed to be the Description, the Claims and the Drawings, the examination of foreign language written application is performed based on this translation.. The examination is the same for the regular patent application, except in the following points (i) to (iii). Based on these points, the examiner determines the new matter beyond the original text and the new matter beyond the translation. In this chapter, the examination as for these points is explained.

- (i) a point of that there is a new matter as to the original text in the description, the claims or the drawings (hereinafter, referred to as "description, etc." in this chapter) is as a reason for refusal (see 2.)
- (ii) a point that the description, etc. on which the determination of "amendment adding a new matter" is based are the translations (including the description, etc. which are amended by the correction of the incorrect translation, where the statement of correction of the incorrect translation has been submitted) (see 3.).
- (iii) a point that the amendment as for the description, etc. is made not only by the written amendment but also by the statement of correction of the incorrect translation (see 4.)

2. New Matter beyond the Original Text

Where the matter stated in the description, etc. is not within the range of the matter stated in the foreign language document description, etc. for the foreign language written application (that is, the description contains new matter beyond the original text), this will be the reason for refusal (Article 49(vi)).

In case of the foreign language written application, documents in which the content of the invention has been disclosed as of filing to submit it (documents corresponding to the originally attached description etc. in the regular patent

application) are the foreign language documents. Therefore, it shall not be recognized that matters not stated in the foreign language documents are added by submitting the following translations or the amendment to grant a patent. Accordingly, when the description contains the new matter beyond the original text in the description, etc. the reason for refusal arises.

2.1 Determination as to whether the new matter beyond the original text is present in the description, etc.

The examiner assumes a translation (hereinafter, referred to as an "assumed translation" in this chapter) which is translated from the foreign language document into proper Japanese, and determines whether the amendment is an amendment adding new matters in relation to the assumed translation, where it is presumed that the description, etc. are description, etc. which are amended for the assumed translation. See the "Part IV Chapter 2 Amendment Adding New Matter" as to determination as to whether it corresponds to the amendment adding the new matters.

(Points to note)

- (1) Even where it is translated upon interchanging the order of the sentences etc. in the foreign language documents, no new matters beyond the original text are present, as long as matters not stated in the foreign language document are deemed to be stated in the description, etc. by interchanging thereof.

Therefore, if it is the matter stated in any portions in the foreign language documents, such a matter does not normally correspond to the new matters beyond the original text.

- (2) In the regular patent application, the amendment deleting the matter stated in the originally attached description etc. does not often correspond to the addition of new matters. Similarly even where a part of the foreign language documents was not translated, no new matters beyond the original text are often present. However, depending on the content of the part which is not translated, the examiner will notice that the new matters beyond the original text may be present.

Example 1: An example in which no new matters beyond the original text are present

A case in which while a generic concept A is stated in a claim of the foreign language documents and more specific concepts a1, a2, a3 and a4 are stated as its working example, a part of a4 is not translated

(Explanation)

In this case, since the matter not stated in the foreign language documents is not stated in the description, etc., no new matters beyond the original text are present.

Example 2: An example in which new matters beyond the original text are present

In the case where the matter of "rubber treated to be heat-resistant" is stated in the foreign language documents and the matter cannot be understood to mean a generic "rubber" even though the description of the description, etc. is reviewed, the matter is translated simply as "rubber".

(Explanation)

In this case, the new matters beyond the original text are present, since only the rubber treated to be heat-resistant is stated in the foreign language documents, and the generic rubber is stated in the description, etc., even though it is not perceived that the generic rubber is within the range of the matter stated in the foreign language documents.

2.2 Procedures of Examination of the determination of the new matters beyond the original text

(1) The examiner treats the description, etc. as the subject of the substantive examination, on the premise that the foreign language documents are normally identical to the contents of the description, the claims and the drawings. The examiner compares the foreign language documents and the description, etc., only where any doubts for the identity between the foreign language documents and the description, etc. are raised (see 2.3). As the results, the reason for refusal will be notified where the examiner becomes provisionally convinced that the new matters beyond the original text are present according to the 2.1 .

(Explanation)

Where the new matters beyond the original text are present in the description, etc. of the foreign language written application, such an application will have the reason for refusal. However, it is not necessary for the examiner to compare the foreign language documents and the description, etc. for all cases, in light of the following (i), (ii) and the like. Accordingly, the procedure shall be treated, as described above.

- (i) It is highly probable that the contents of the foreign language documents coincide with the contents of the description, etc.
- (ii) The inconsistency between the contents of the foreign language documents and the

contents of the description, etc. can be found by solely examining the description, etc. in light of the conformity among descriptions, common general knowledge, etc. by the examiner.

(2) Upon notifying the notice of reasons for refusal, the decision of refusal, etc., the examiner points out all matters corresponding to the new matters beyond the original text found as mentioned in the above item (1) and specifically explains the reason thought as such.

(3) The applicant can amend the description, etc. by submitting the written amendment or the statement of correction of the incorrect translation and can argue or clarify by the written opinion etc., against the notice of reasons for refusal that the new matters beyond the original text are present.

Where the examiner can achieve a state of the conviction that the new matters beyond the original text are not present in the description, etc. by the amendment, the argument or the clarification, the reason for refusal can be overcome. The examiner will make the decision of refusal based on the reason for refusal that the new matters beyond the original text are present where the conviction has not been changed.

(4) Where the description of the description, etc. is unnatural or unreasonable, a suspicion that the new matters beyond the original text in the description, etc. are present is raised (see 2.3(1)). However, where the notice of reasons for refusal is notified based on the non-compliance with Article 36 because of the description of the description, etc. being unnatural or unreasonable to an extent not complying with the description requirement prescribed in Article 36, the examiner may notify the reason for refusal without comparing the foreign language documents, regardless of raising the suspicion for the presence of the new matters beyond the original text.

The examiner points to note that unnatural or unreasonable portion in a part of the description, the claims and the drawings does not necessarily lead to not complying with the requirement of Article 36.

2.3 Typical Examples in which comparison with the foreign language documents is necessary

(1) Where unnatural or unreasonable descriptions in the description, etc. raise a suspicion that the description, etc. may contain new matters beyond the original text

Among typical examples of mistranslation are oversight of expressions to be translated (Example 1) and errors in interpretation of words, context or grammar (Examples 2 and Example 3). Such mistranslation brings in the description, etc. which do not make sense as a whole, or which are contrary to the common general knowledge.

Therefore, where such a portion is present in the description, etc., there is a suspicion that the mistranslation in the description, etc. is raised and the new matters beyond the original text are present.

Example 1:

A case in which while the foreign language documents describe "The battery is discharged" and it should be translated as such, it has been mistranslated into "The battery is charged" upon oversight of the wording of "dis".

(Explanation)

If it is described as the battery being charged while the battery is originally discharged, the current flow is inverse. So, the meaning of this sentence usually does not make sense. In such a case, there is a reason to suspect the existence of the new matters beyond the original text resulting from the mistranslation.

Example 2:

A term "beam" in the foreign language document is mistranslated into "hari (girder)" despite that it should have been translated into "kosen (ray)".

(Explanation)

It is very unnatural to find the term "hari (girder)" being used in a completely different technical field where the correct translation "kosen (ray)" is usually used. Therefore, there is a reason to suspect the existence of new matters beyond the original text resulting from the mistranslation.

Example 3:

The foreign language documents include a statement, "first opening is drilled through the substrate at 20% of the desired diameter for the hole, and another opening is then drilled at 30% of the full diameter." A person skilled in the art would be able to recognize that the "first opening" and "another opening" are drilled with the same center in succession in order to form a single hole of accurate size, in view of the context of the descriptions in the foreign language documents and the disclosed technological details. Accordingly, the above sentence should be translated as "first opening is drilled through the substrate at 20% of the

desired diameter for the hole, and in succession, the opening is additionally drilled up to 30% of the full diameter" (in Japanese). However, a translator misunderstood that the 20%-diameter hole and the 30%-diameter hole were to be separately formed at different positions, and mistranslated the sentence as "first opening at 20% of the desired diameter is drilled through the substrate, and a different opening at 30% of the desired diameter is drilled" (in Japanese).

(Explanation)

It is unnatural and unreasonable that the translation states that two different holes are formed in the context where only one hole is to be formed. Therefore, there is a reason to suspect the existence of the new matters beyond the original text resulting from the mistranslation.

- (2) Where there is a suspicion that the new matters beyond the original text may exist in the corrected description, etc. because it is not objectively clear that the aim of the correction is to correct the mistranslation even by referring to the reason for correction of the written correction of mistranslation.

When an applicant submits a written correction of mistranslation, (s)he must state the details of the correction and a reason for correction etc. so as to objectively make clear that the correction aims at correcting a mistranslation.

On the contrary, where it cannot be said to be clear that the aim of correction is to correct a mistranslation (Examples 4 and Example 5), there is a suspicion that the new matters beyond the original text may exist in the description, etc. corrected by the written correction of mistranslation.

See 4. , as to the handling of the written correction of mistranslation.

Example 4:

Where there is no objective explanation about the reasons why the translation before the correction is improper and why the translation after the correction is proper, although it is insisted that by the applicant that there are some mistranslations in words

(For example, where an objective documentary evidence such as a copy of a dictionary is not attached to the written correction despite that it is necessary as a material for explanation of the reasons)

Example 5:

Although it is insisted by the applicant that the incorrect translation is due to

misinterpretation of the common general knowledge or the context, there is no sufficient explanation or there is a doubt about explanation with respect to the common general knowledge or the comprehension of the context.

- (3) A case where there is an offer of information to the effect that the new matters beyond the original text exist in the description, etc., and the result of the examination provides a suspicion that the new matters beyond the original text may exist in the description, etc.

Where the information concerning the new matters beyond the original text may be gathered through the following (i) or (ii), there is a suspicion that the new matters beyond the original text may exist in the description, etc.:

- (i) Information is offered under Article 13bis of Regulations under the Patent Act (Example 6); and
- (ii) By the submission of a written opinion etc. by an applicant to whom the foreign language written application is cited as a prior application of Article 29bis or Article 39 (Example 7), it is found that the foreign language written application contains a new matter beyond the original text.

Example 6:

Where the examiner is informed by a third party that matters beyond the foreign language documents are added in the description, etc. and where such information is deemed reasonable.

Example 7:

When a foreign language written application is cited as a ground of the reason for refusal of another application (Article 29bis or Article 39), and where the applicant of the latter makes an assertion that the translation of the foreign language document of the cited application contains the new matters beyond the original text, and the argument is reasonable.

(for example, where the examiner has issued a notice of reasons for refusal under Article 29bis after referring only to the translation of the cited application, and the applicant makes an objection to the notice by asserting that the foreign language documents do not disclose such an invention).

3. New Matter beyond Translation

Concerning the foreign language written application, an amendment adding matters (except the amendment by the written correction of mistranslation) not stated in the translation (where the written correction of mistranslation is submitted, the corrected description, etc. are included) cannot be recognized (Article 17bis(3)). Such an amendment is referred to as "amendment adding new matter beyond translation".

The reason why such provision is provided is that it is perceived that the contents of the foreign language documents in the foreign language written application and its translation are normally identical each other and to be enough to determine whether the amendment is of adding the new matter based on the translation, not the foreign language documents, in the examination.

Where the mistranslation is in the translation, it is usual to submit an amendment beyond the matters stated in the translation, at the same time, to overcome the mistranslation. Accordingly, in the case of correcting the mistranslation, it is necessary that the matter stated in the foreign language documents can be added beyond the matters stated in the translation by such an amendment, and the provision under the same paragraph shall not be applied for the amendment by the written correction of mistranslation.

3.1 Determination as to whether an amendment is an amendment adding a new matter beyond translation

The examiner determines whether the amendment is an amendment adding the new matter beyond translation, by determining whether the amendment (except the amendment by the written correction of mistranslation) is made within the matter stated in the translation (including the corrected description, etc. where the written correction of mistranslation was submitted). The determination as to whether the amendment is made within the matter stated in the translation (including the corrected description, etc. where the written correction of mistranslation was submitted) is the same as the determination as to whether the amendment is made within the matter stated in the originally attached description etc. in the "Part IV Chapter 2 Amendment Adding New Matter".

3.2 Procedures of Examination concerning Determination on New Matter beyond

Translation

The examiner proceeds with the examination according to the 4. in "Part IV Chapter 2 Amendment Adding New Matter".

4. Amendment by Written Correction of Mistranslation

The applicant of the foreign language written application shall submit a written correction of mistranslation stating a reason for correction of mistranslation, not a written amendment, where (s)he is to amend the description, etc. as a purpose of correcting the mistranslation (Article 17bis(2)).

This procedure aims at lightening the burden of monitoring by the third party and the workload of examination with regard to the foreign language document by clarifying the fact the statement in the translation was amended based on the statements in the foreign language written document.

4.1 Examination where the amendment by the written correction of mistranslation is made

Where the amendment by the written correction of mistranslation is made, the examiner confirms the reason for correction, etc. stated in the written correction of mistranslation and examines as the same where the amendment by the written amendment is made. Since the provision for the new matter beyond translation shall not be applied for the amendment by the written correction of mistranslation, the examiner does not determine the new matter beyond translation. In addition, see 2. for the determination of the new matter as to the original text.

In addition, even where an amendment not aiming to correct the mistranslation is contained in the amendment by the written correction of mistranslation, this is not a reason for refusal. Therefore, the examiner does not determine whether the amendment by the written correction of mistranslation is to correct the mistranslation or is of another purpose.

The amendment as the purpose of the correction of mistranslation shall be made by the written correction of mistranslation (Article 17bis(2)). Therefore, what the amendment aiming to correct the mistranslation is made by the written amendment is not usually allowed. Even where the amendment aiming to correct the

mistranslation is made by the written amendment, and if such an amendment is not to add the new matter beyond translation as the result, it is allowed that such an amendment is made by the written amendment.

4.1.1 Action against Insufficient Description of "Reasons for Correction, etc."

(1) If the examiner is not convinced that no new matter as to the original text exists in the description, etc. as amended by the correction of mistranslation, due to insufficient description of the reasons for correction and insufficiency of the materials necessary for explanation of reasons for correction, the examiner may ask the applicant for an explanation by sending a notice according to Article 194(1) (Submission of documents, etc.) or by making a telephone call, etc.

(2) If the examiner is not convinced in spite of the action (1) above, this is the case where the examiner should suspect that new matter as to the original text exists (see 2.3(2)). Therefore, the examiner should compare with the foreign language document and determine as to whether the new matter as to the original text exists.

4.1.2 Treatment of a case in which an amended matter contained in the written correction of mistranslation as being an amended matter capable of being treated as the amendment by the written amendment was actually the new matter beyond translation (an amended matter not capable of being treated as the amendment by the written amendment)

(1) Even where the amended matter contained in the written correction of mistranslation as being an amended matter capable of being treated as the amendment by the written amendment (an amended matter for which the reason for correction is not stated in the written correction of mistranslation) was actually the new matter beyond translation (an amended matter not capable of being treated as the amendment by the written amendment), the examiner cannot notify the notice of reasons for refusal, decide the refusal or decide the dismissal of amendment based on the reason. This is because the provision of the new matter beyond translation cannot be applied for the amendment by the written correction of mistranslation.

Since such an amendment is made as the amended matter capable of being treated as the amendment by the written amendment, such a written correction of mistranslation will be insufficient in the reason for correction for the amended matter.

Therefore, the examiner may ask the applicant for an explanation by sending a notice according to Article 194(1) (Submission of descriptions, etc.) or by making a telephone call, etc.

(2) If the examiner is not convinced that the new matter as to the original text in the description after correcting mistranslation etc. does not exist in spite of the action (1) above, this is the case where the examiner should suspect that new matter as to the original text exists (see 2.3(2)). Therefore, the examiner should compare with the foreign language document and determine as to whether the new matter as to the original text exists.

4.1.3 Treatment of a case where a written correction of mistranslation containing an amended matter capable of being treated as the amendment by the written amendment was submitted within the designated period for responding to the final notice of reasons for refusal, etc.

It can be accepted to make amendment with containing an amended matter capable of being treated as the amendment by the written amendment in the written correction of mistranslation. However, where the amendment by the written correction of mistranslation submitted within the designated period for responding to the final notice of reasons for refusal, etc. (Note 1) does not comply with the requirements of Article 17bis(4) to (6) (Note 2), the examiner shall decide the dismissal of amendment. Where there is an amended matter not complying with the requirements of Article 17bis(4) to (6) in the written correction of mistranslation, as similar to the case where one amended matter does not comply with the requirements of the amendment, the whole written amendment containing such an amendment is dismissed in the regular patent application, the examiner notices in that the whole written correction of mistranslation is dismissed, including the amended matter capable of being treated as the amendment by the written amendment (an amended matter not corresponding to the new matter beyond translation).

(Note 1) "etc." means to include the notice of reasons for refusal with the notice under the provision of Article 50bis. The same can be applied for the following matters in this chapter.

(Note 2) The examiner notices that the provision of Article 17bis(3) (new matter beyond translation) shall not be applied for the amendment by the written correction of mistranslation.

4.1.4 Treatment of a case where a written amendment adding a new matter beyond translation is submitted, followed by a written correction of mistranslation maintaining (Note) the new matter beyond translation being submitted

(Note) "maintaining" herein refers to, for example, the following (i) and (ii).

- (i) a described portion containing a new matter beyond translation added as the amendment by the former written amendment is remained as the portion corresponding to the new matter beyond translation to be included in a unit of amendment in the "[Unit to be Corrected]" in the written correction of mistranslation.
- (ii) a described portion containing a new matter beyond translation added as the amendment by the former written amendment is not included in a unit of amendment in the "[Unit to be Corrected]" in the written correction of mistranslation.

(1) Where it is objectively clear from the description of the written correction of mistranslation that a matter corresponding to the new matter beyond translation is maintained in the description, etc. by the written correction of mistranslation (Example 1), the reason for refusal for the new matter beyond translation shall be deemed to be overcome by submitting such a written correction of mistranslation. Even though the description of the written correction of mistranslation is not necessarily sufficient, the reason for refusal can be overcome if it is clear from the statements of the written correction of mistranslation that the matter corresponding to the new matter beyond translation is maintained in the description, etc. by the written correction of mistranslation.

Example 1:

Where the described portion including the new matter beyond translation which was added by the amendment through the former written amendment is included in the unit of amendment indicated in "[Unit to be Corrected]" of the written correction of mistranslation, and where the written correction of mistranslation sufficiently showing the reason for correction was submitted

(2) On the other hand, where it is not objectively clear from the description of the written correction of mistranslation that the matter corresponding to the new matter beyond translation is maintained in the description, etc. by the written correction of mistranslation (Example 2), the reason for refusal for the new matter beyond translation shall be deemed not to be overcome by submitting such a written correction of

mistranslation.

In such case, the examiner may notify the notice of reasons for refusal for the new matter beyond translation, and where such a reason for refusal is notified on ahead, the examiner may decide the refusal based on the reason. However, the examiner cannot dismiss the written correction of mistranslation based on the reason.

Example 2:

Where the described portion including the new matter beyond translation which was added by the amendment through the former written amendment is not included in the unit of amendment indicated in "[Unit to be Corrected]" of the written correction of mistranslation, and where the reason for correction is not also stated.

(Explanation)

Where the addition of the new matter beyond translation is originated from the amendment through the written amendment and such an addition is not deemed as the addition of the new matter beyond translation if such an amendment is made by the written correction of mistranslation, such an addition of the new matter beyond translation is a formal defect which is merely error in the selection of the document to be proceeded. Therefore, where after the written amendment adding the new matter beyond translation was submitted, the written correction of mistranslation clarifying that the matter corresponding to the new matter beyond translation is present in the foreign language documents was submitted, it is proper to deem that the reason for refusal for the new matter beyond translation was overcome.

5. Procedures of Examination on Foreign Language Written Application
--

(1) The examiner proceeds with the examination according to the "Part I Outline of Examination" on the examination of the foreign language written application. On this case, the examiner shall replace the "new matter" into the "new matter beyond translation". However, the examiner notices that the provision of the new matter beyond translation (Article 17bis(3)) shall not be applied for the amendment by the written correction of mistranslation.

(2) Where the new matter as to the original text was added by the amendment responding to the final notice of reasons for refusal, etc. (including the amendment by

the written correction of mistranslation), such an amendment shall not be dismissed based on a reason of adding the new matter as to the original text (Note). Accordingly, the examiner will notify a reason for refusal, again. Where the reason for refusal in the final notice of reasons for refusal, etc. is not overcome, the examiner may decide the refusal based on the reason for refusal which was not overcome, without notifying the reason for refusal that the new matter as to the original text is present. In this case, the examiner shall indicate in the decision of refusal that the new matter as to the original text is present.

(Note) The addition of the new matter as to the original text is not a requirement for amendment. Accordingly, even if the amendment is to add the new matter as to the original text, the amendment is not dismissed based on a reason that the new matter as to the original text is added.

6. Guideline of Submitting the Written Correction of Mistranslation

The procedure of the amendment of the description, etc. by the written correction of mistranslation is a procedure which is provided for clarification to the third party and the examiner that the content of the correction for mistranslation is a proper amendment within the range of the matter stated in the foreign language documents by clearly indicating the content of the mistranslation and the reason for the correction, etc., differing from the procedure of the amendment by the written amendment.

Therefore, the written correction of mistranslation should be according to a form prescribed in Regulations under the Patent Act, and the submission of the written correction of mistranslation should be made as follows.

6.1 Material necessary for the explanation of the reason for correction

(1) Where a material is necessary for a person skilled in the art to easily understand that the content of the correction for mistranslation and its reason are reasonable, the applicant shall attach the "material necessary for the explanation of the reason for correction".

(2) The case where it is necessary to indicate that the content of the correction for

mistranslation and its reason are reasonable using the material means a case where materials including a dictionary are necessary for indicating that the content of the correction for mistranslation is reasonable, such as a case where the mistranslation of technical terms is corrected. In this case, the applicant shall attach a copy of corresponding page(s) of the dictionary and the like as a material necessary for the explanation of the reason for correction.

(3) Where the material necessary for the explanation of the reason for correction is identical to another amended portion, the applicant shall state such a statement in the column of "[Reasons for Correction, etc.]" and may abbreviate to attach the material.

6.2 Examples of the written correction of mistranslation

The example of the written correction of mistranslation is referred to the following "Written Correction of Mistranslation (Sample)".

6.3 Concerning that the amended matter capable of being treated as the amendment by the written amendment is included in the written correction of mistranslation

(1) While the written correction of mistranslation is originally a document submitted when an amendment for correcting the mistranslation is made, a case where an amendment for which the correction of mistranslation is not aimed is concurrently necessary can be raised on the practice. In this case, where the amended matter capable of being treated as the amendment by the written amendment is amended in addition to the correction of mistranslation, it is desirable for the applicant that such an amendment is included in the written correction of mistranslation to proceed with one procedure for amendment without submitting another written amendment.

On the contrary, the amendment on the purpose of correcting the mistranslation cannot be included in the written amendment without submitting the written correction of mistranslation.

(Explanation)

Even if the amended matter capable of being treated as the amendment by the written amendment is included in the written correction of mistranslation, it is possible to notify the third party or the examiner of the content of mistranslation and the reason for correction concerning the corrected portion of mistranslation.

In addition, even though both amendment matter corresponding to the amendment by the written amendment and other amendment matter corresponding to the correction of mistranslation are mixed with each other in the written correction of mistranslation, appropriateness of amendments is determined for each matter to be amended and, therefore, such mixing of conditions is not regarded as troublesome in the examination practices.

On the other hand, by handling the matter as described in (1), one can avoid such duplicated procedures submitting both a written amendment and a written correction of mistranslation, thereby simplifying a response by the applicant, etc.

To the contrary, it is impermissible to make a correction of mistranslation by means of the amendment by the written amendment. The purpose of the written correction of mistranslation is to clarify the content of mistranslation and the reasons for correction to third parties or the examiner when there are mistranslations. Therefore, it is not proper to make an amendment through the written amendment, if it should be amended by the written correction of mistranslation. Moreover, where the amendment which should be amended by the written correction of mistranslation is made by the amendment by the written amendment, one should be careful that such an amendment would in many cases correspond to the addition of new matter beyond translation and, therefore, constitute the reason for refusal or the reason for dismissing the amendment.

(2) Where amendment matters which can be amended by the amendment by the written amendment (matters to be amended within the scope of the matters lawfully stated in the description, etc. before amendment) are stated in the written correction of mistranslation, it is unnecessary for the applicant to state the reasons for correction, etc. in the column of "[Reasons for Correction, etc.]".

However, in this case, the applicant shall explain in the column of "[Reasons for Correction, etc.]", by indicating the corresponding portions of the description, etc. before amendment where the matters to be amended are stated, etc., that the amendment is an amendment within the scope of the matters stated in the description, etc.

6.4 Points to note when the written amendment and the written correction of mistranslation both dated the same date are submitted separately

Where the written amendment and the written correction of mistranslation are separately submitted in response to a certain notice of reasons for refusal, the applicant shall pay attention so as to prevent substantial duplications in amendment units (amendment units stated in "[Unit to be Amended]" in the written amendment and those

stated in "[Unit to be Corrected]" in the written correction of mistranslation).

Written Correction of Mistranslation (Sample)

[Document name] Written Correction of Mistranslation
[Submission date] September 1, 1995
[Address] To: The Commissioner of the Japan Patent Office
[Indication of the Case]
 [Application Number] Heisei 7 (1995) Patent Application No. 100321
[Applicant]
 [Identification Number] 090004324
 [Name] Tokkyo Kabusiki Kaisha
[Administrator]
 [Identification Number] 190001231
 [Patent Attorney]
 [Name] Tokkyo Taro
[Correction of Mistranslation 1]
 [Title of Document to be Corrected] Description
 [Unit to be Corrected] 0003
 [Method of Correction] Change
 [Content of Correction]
 [0003]

An apparatus for charging a cannon, which speedily charges a barrel with powder (hohshin ni kayaku wo sohtensuru) by lightening the weight (keiryoka) of the charging apparatus and by making the rotational response of the charging apparatus capable of following the elevation of the barrel.

[Reasons for Correction, etc.]

(Reason for Correction 1-1)

Concerning the phrase "hohshin ni kayaku wo sohtensuru (charges a barrel with powder)" in Paragraph [0003]

The phrase of the foreign language document which corresponds to the above-mentioned phrase in the translation is "charge a barrel with powder" in line 3 on page 2 of the foreign language document, and such phrase was translated as "taru ni kona wo sohtensuru (charge a cask with flour)" before the correction of mistranslation. The translation before the correction of mistranslation is a general translation of the above-mentioned English phrase. However, this application relates to the apparatus for charging a cannon, and the word "barrel" means "hohshin (gun barrel)" rather than "taru (barrel/cask)" and the word "powder" means "kayaku (powder/gunpowder)" rather than "kona (powder/flour)". Accordingly, taking into consideration the technical meaning of this application, the mistranslations are hereby corrected to translate the above-mentioned phrase as "hohshin ni kayaku wo sohtensuru."

(Material necessary for the explanation of the reason for correction 1-1: see "SHOGAKUKAN RANDOM HOUSE ENGLISH-JAPANESE DICTIONARY, pages 213 and 2020, published on January 20, 1988")

(Reason for correction 1-2)

Concerning the word "keiryo (lightening the weight)" in Paragraph [0003]

It was translated as "keiryo (measuring)" before the correction of mistranslation. As it is apparent from other descriptions in the description (such as "to lighten the weight" in Paragraph [0002]) that such word "keiryo (measuring)" is an error of "keiryo (lightening the weight)." Therefore, it is a matter to be amended which can also be

handled by an amendment by written amendment.

[Indication of Fee]

[Advance Payment Book Number] 012345

[Amount Paid] ¥19000

[List of Documents Filed]

[Title] Material necessary for the explanation of the reason for
correction: 1

[Material necessary for the explanation of the reason for correction 1-1]

bar·rel [bæɾəl] *n., v. (-reled, -rel-ing or 《特に英》-relled, -rel-ling)* — *n.* 1 (胴のふくれた)たる, ビヤダル. 2 バレル: 1 たるの量: 米国で液体は 31¹/₂ ガロン, 果実や野菜は 105 乾量クォート, 英国では 36 英ガロン. 3 《話》多量, たくさん, どっさり (large quantity): — *a barrel of monkeys* たくさんのサル. — *have a barrel of fun* とてもおもしろく過ごす. 4 たるに似た形の容器(ケース), 円筒[形のもの]の胴部. 5 《兵器類》砲身, 銃身: — *the dismantled barrel of the machine pistol* 自動ピストルの分解した銃身. 6 《機械》ポンプの筒. 7 シャフトの上で動く円筒. 8 《時計》香箱(?): 時計のゼンマイを入れる歯車つきの箱. 9 《鳥類》《廃》羽柄(calamus, quill). 10 (牛・馬などの)胴体(trunk). 11 《海事》車地(capstan)の胴部. — *capstan* (図). 12 バレル: 回転しながら製品をめっきまたは研磨する水平のシリンドラー. 13 (一般に)筒形構造の丸天井, かまぼこ屋根, 半円筒ポルト.
over a barrel 《俗》窮地に陥って, お手上げで (in an embarrassing or uncomfortable position); 身動きできない, にっちもさっちもいかない (unable to act): — *They really had us over a barrel when they foreclosed the mortgage.* 抵当を流されたときは, 全く困り果ててしまった.
— *v.t.* 1 たるに入れる, たるに詰める. 2 (金属部品を) バレルで仕上げる, バレル研磨(めっき)する.
— *v.i.* 《俗》高速度で進む(運転する), 疾走する (travel or drive very fast): — *barrel along the speedway* 高速道路をぶっとばす.
[ME *barrell* < OF *baril*, ? = *barre* stave (→ *BAR*¹) + *-il* < L *-ile*, neut. of *-ilis* -ILE]

pow·der¹ [paʊdər|-də] *n.* 1 粉, 粉末: — *be reduced to powder* 粉末になる, 粉々になる. — *grind ... into (or to) powder* ...をひいて粉にする. 2 粉末剤; 火薬, 爆薬 (gunpowder), 粉おしろい (face powder), 歯みがき粉 (tooth powder) など: — *black powder* 黒色火薬. — *smokeless powder* 無煙火薬. — *food for powder* 弾丸のえじき. — *powder and shot* 弾薬, 軍需品. — *the smell of powder* 硝煙のにおい, 実戦の経験. — *smell powder* 実戦の経験をする. — *digestive powder* 粉末消化剤. — *curry powder* カレー粉. — *a lady in powder and patch* おしろいをしてつけぐろをした婦人. — *with powder and paint* 厚化粧をして. 3 (また **powder snow**) 《スキー》粉雪: 通例ざらめ雪でない, さらさらした新雪.
keep one's powder dry 《俗》万に備える, 用意を怠らない: — *Put your trust in God, and keep your powder dry.* 神を信頼し, 万に備えなさい.
not worth powder and shot 骨折りがいいがない.
— *v.t.* 1 粉にする, 製粉する, 粉末にする, 粉状にする (reduce to powder, pulverize): — *be powdered to dust* 粉末にされる, 粉々になる.
2 粉をふりかける, 粉でおおう (sprinkle or cover with powder): — *She powdered the cookies with confectioners' sugar.* クッキーに精製糖をまぶした. — *Her face was powdered with flour.* 彼女の顔は小麦粉にまみれていた.

Origin: "SHOGAKUKAN RANDOM HOUSE ENGLISH-JAPANESE DICTIONARY," SHOGAKUKAN Inc., pages 213 and 2020, published on January 20, 1988