

02-02.1 P

**Classification Table for
Trial and Appeal Decisions: Patents**

(Application filed on or after July 1, 1995)

(However, a classification concerning an opposition to grant of patent can be used on
or after April 1, 2015)

1. Classification Under Types of Cases (Patent, Types of Instance, Types of
Trial/Appeal)

(from July 1, 1995)

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First digit		Second digit		Third – Fifth digits			
P	Patent	1	Trial/Appeal (including Opposition to grant of patent and Advisory Opinion)	112	(Invalidation) Full invalidation		
				113	Full invalidation (Request from 2004)		
				122	Partial invalidation		
				123	Partial invalidation (Request from 2004)		
		2	3	4	15	(Invalidation for registration of an extension of term)	
						Invalidation for registration of an extension of terms (Full)	
		5	Retrial	16	Invalidation for registration of an extension of terms (Partial)		
		6	7	8	2	Advisory Opinion	
						9	3
		Others		41 42 43 49	51 52		
						(Exclusion • Recusation) Exclusion Recusation	
(A request for opposition to grant of patent) Full Partial							
Appel against the examiner's decision (intermediate decision)							
91		Decision on approval/disapproval of					

				92	intervention
				93	
				94	Decision to dismiss amendment
				95	Decision of preservation of evidence
				99	Decision of approval/disapproval of taking over a case
					Others

(Note)

1. In a case where more than two oppositions to grant of patent are filed for the same patent right, it is necessary to determine whether all of the claims demanded for the oppositions have appropriate reasons for opposition under consolidation.
2. In a case where more than two oppositions to grant of patent for the same patent right are examined separately, an indication of classification by titles for the decision of opposition which is made later on shall indicate along with the determination whether a request for the opposition is filed against all of the claims remained at the time of making said decision, or a request for the opposition is filed against some of the claims remained at the time of making said decision.

2. Classification Table Under Types of Holdings

(1) Appeal against the examiner's decision, Invalidation, Correction (Note), Decision on opposition to grant of patent, Advisory opinion

(from July 1, 1995)

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Classification	Holdings
0	General proceedings (Appended table)
1	Patent Act Article 29 Requirements for patent (New)
111	(1) (i) Publicly known
112	(1) (ii) Publicly worked
113	(1) (iii) Disclosed in a publication
12	
121	(2) Invention step
13	
14	Industrial applicability
15	Inventor • Applicant
151	Patent Act Article 38 Joint application
152	Patent Act Article 49 Application by a non-inventor, by a person who has not (vii) succeeded to the right to obtain the patent Application by a person who does not have the right to obtain the patent (filed on and after April 1, 2012)
	Patent Act Article Patent by a non-inventor, by a person who has not 123 (1) (vi) succeeded to the right to obtain the patent Patent by a person who does not have the right to obtain the patent (an application filed on and after April 1, 2012)
16	Patent Act Article 29-2
161	Same invention
162	Same inventor
163	Same applicant
	(Patent Act Article 32 Unpatentable inventions)
21	
22	
23	
24	Patent Act Article 32 Public order, morality, public health
25	
26	
3	
31	
32	
33	
4	Patent Act Article 39 Prior application
5	Others
51	Patent Act Article 25 Enjoyment of rights by foreign nationals Patent Act Article 49 Application in violation of any relevant treaty (iii)

	Patent Act Article 113 (iii)	Patent in violation of any relevant treaty
	Patent Act Article 123 (1) (iii)	Patent in violation of any relevant treaty
	Patent Act Article 123 (1) (vii)	Violation of any relevant treaty after granted a patent
52		_____
	(Improper description in the specification)	
536	Patent Act Article 36 (4)	Improper description in the detailed description of the invention
537	Patent Act Article 36 (6) (i), (ii), (iii)	Improper description in the claims
538	(6) (iv)	Improper description in formality of the claims
54	Patent Act Article 49 (1) (v)	New matter added into the original specification (until August 31, 2002)
	Patent Act Article 49 (1) (vi)	“ (from September 1, 2002)
	Patent Act Article 113 (v)	(on or after January 1, 1996)
	Patent Act Article 123 (1) (v)	
55	Patent Act Article 17-2 (3)	Amendment of addition of new matters
	Patent Act Article 17-3 (2)	(until December 31, 1995)
	Patent Act Article 64 (2)	(until December 31, 1995)
	Patent Act Article 113 (i)	(on or after January 1, 1996)
	Patent Act Article 159 (2)	
	Patent Act Article 163 (2)	
	Patent Act Article 174 (2)	(Request for retrial by December 31, 2003)
	Patent Act Article 174 (1)	(Request for retrial on or after January 1, 2004)
56	Patent Act Article 53 (1)	Dismissal of amendment Dismissal of amendment after examination (<i>Kokoku</i>) (until December 31, 1995) (Patent Act Article 159 (1), Article 163 (1), and Article 174 (1) shall apply mutatis mutandis)
561	Patent Act Article 17-2 (3)	Dismissal of amendment by addition of new matters
562	“	Dismissal of amendment by addition of new matters in translation
57	Patent Act Article 17-2 (4) ((5))	Purpose of amendment
571	(4) (i) ((5) (i))	Deletion of the claims “ (an application filed on or after April 1, 2007)
572	(4) (ii) ((5) (ii))	Restriction of the claims by limitation “ (an application filed on or after April 1, 2007)
573	(4) (iii)	Correction of an erroneous statement in the claims

574	((5) (iii)) (4) (iv)	“ (an application filed on or after April 1, 2007) Clarification of an ambiguous statement in the claims
575	((5) (iv)) (5)	“ (an application filed on or after April 1, 2007) Independent patent requirements
58	((6)) Patent Act Article 54 (1)	“ (an application filed on or after April 1, 2007) Dismissal of amendment after examination (<i>Kokoku</i>) (until December 31, 1995) (Patent Act Article 159 (1), Article 163 (1), and Article 174 (1) shall apply <i>mutatis mutandis</i>)
581	Patent Act Article 64 (Article 17-3) (2)	Amendment of addition of new matter (until December 31, 1995)
582	Patent Act Article 64 (Article 17-3) (2)	Amendment of addition of new matter to the original specification (until December 31, 1995)
591	(3) (i)	Restriction of the claims by limitation (until December 31, 1995)
	(3)(ii)	Correction of an erroneous statement (until December 31, 1995)
	(3) (iii)	Clarification of an ambiguous statement (until December 31, 1995)
	(4)	Substantive enlargement of the claims (until December 31, 1995) Substantive modification of the claims (until December 31, 1995)
6		_____
61		_____
62		_____
63		_____
64	Patent Act Article 37	Unity of invention (until December 31, 2003)
641		Same subject
642	(i)	Same main part
643	(ii)	Manufacturing, use, method of using an invention of product, manufacturing device etc. of the product, a product which exclusively uses a feature of the product or a product which uses the product
	(iii)	A product used for implementing an invention of process
644	(iv)	Others stipulated under the Cabinet order
645		Unity of invention
65	(v)	
7	Patent Act Article 37	
71	Registration of extension of term Patent Act Article 67-3, (1)(i) Patent Act Article 125-2, (1)(i)	Necessity of Disposition

(Correction, Request for Correction) (from July 1, 1995)

Classification	Holdings
83	(Correction, Request for Correction)
831	Patent Act Article 123 (1) Suitability for correction/a request for (viii) correction
832	Patent Act Article 126 (1) Correction Patent Act Article 134 (2) Request for correction
	Patent Act Article 120-4 (2) “ (request on or after January 1, 1996)
	Patent Act Article 134-2 (1) “ (request on or after January 1, 2004)
841	Patent Act Article 126 (2) Correction for addition of new matter (3) “ (request on or after January 1, 2004) (5) “ (request on or after April 1, 2012) (Patent Act Article 134 (5)) “ (Patent Act Article 134-2 (5)) “ (request on or after January 1, 2004) (Patent Act Article 134-2 (9)) “ (request on or after April 1, 2012) (Patent Act Article 120-4 (3)) “ (request on or after January 1, 1996)
842	Correction for addition of new matter to the original specification
85	Patent Act Article 126 (1) (Patent Act Article 134(2), Article 120-4 (2)) (Patent Act Article 134-2 (1) (request on or after January 1, 2004))
851	the proviso (i) Restriction the claims by limitation
852	the proviso (ii) Correction for erroneous statement or erroneous translation
853	the proviso (iii) Clarification of an ambiguous statement
857	the proviso (iv) A claim originally citing other claim shall not cite said other claim. (request on or after April 1, 2012)
854	Patent Act Article 126 (3) Substantive enlargement of the scope of claims (4) “ (request on or after January 1, 2004) (6) “ (request on or after April 1, 2012) (Patent Act Article 134 (5)) “ (Patent Act Article 134-2 (5)) “ (request on or after January 1, 2004) (Patent Act Article 134-2 (9)) “ (request on or after April 1, 2012)
855	Substantive modification of the claims
856	Patent Act Article 126 (4) Independent patent requirements (5) “ (request on or after January 1, 2004) (7) “ (request on or after April 1, 2012) (Patent Act Article 134 (5)) “ (Patent Act Article 134-2 (5)) “ (request on or after January 1, 2004) (Patent Act Article 134-2 (9)) “ (request on or after April 1, 2012)

(Note)

In a case where a holding indicates “a patent is not granted independently when filing an application” stipulated under Patent Act Article 17-2(5) and Article 126(4) (Patent Act Article 126(5) on or after January 1, 2004. Patent Act Article 126(7) on or after April 1, 2012.) (including a case where Patent Act Article 134(5) shall apply mutatis mutandis (Patent Act Article 134-2 (5) on or after January 1, 2004. Patent Act Article 134-2(9) on or after April 1, 2012.)), the classification number corresponding to the classification numbers 1 – 645 as well as 575 or 856 in this classification table shall be used.

(1) Advisory opinion (from July 1, 1995)

Classification	Holdings
0	General proceedings (Appended table)
1	Same
2	Use
9	Others

(2) Appended table (Sub-classification of general proceedings) (from July 1, 1995)

Classification	Holdings
0	General proceedings
01	Indication in a written request, Request
02	Interest, Eligibility of a party, Benefit of request
03	Application date, Priority date, Request date
04	Subject
05	Method of proceedings, Procedure of proceedings
06	Evidence
07	Prohibition of double jeopardy
08	Finding the gist
081	Right
082	Not right
09	Others
091	Intervention
092	Opposition

A definition of classification or an example of general proceedings →02-03IV

3. Classification Table Under “Conclusion” (per Types of Trial/Appeal)
(Patent) (from July 1, 1995) . - () ○

Classification	“Conclusion” under types of trial/appeal, etc.					
	Invalidation • Invalidation for registration of extension of the term	Correc- tion	Appeal against the examiner’s decision	Adviso- ry opinio- n	Exclusion • Recusation, Approval/ disapproval for intervention	Opposition to grant of patent
W			Cancel the decision and remand the case.			
WA			Cancel the decision of dismissal of amendment. Cancel the original decision and remand the case to an examination.			
WB			Maintain the decision of dismissal of amendment. Cancel the original decision and remand the case to an examination.			
WY WYF (for standar- d)			Cancel the decision and grant a patent right.			
WYA			Cancel the decision of dismissal of amendment. Cancel the original decision and a patent shall be granted.			
WYB			Maintain the decision of dismissal of amendment. Cancel the original decision and a patent shall be granted.			
WZ WZF (for standar- d)			A patent shall not be registered (a reason for refusal is found in a reexamination before trial or in this trial).			
WZA			Cancel the decision of dismissal of amendment.			

WZB			<p>The case shall be refused based on a reason for refusal found in a reexamination of trial or in this trial.</p> <p>Maintain the decision of dismissal of amendment. The case shall be refused based on a reason for refusal found in a reexamination of trial or in this trial.</p>			
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Class ificat ion	“Conclusion” under types of trial/appeal, etc.					
	Invalidation • Invalidation for registration of extension of the term	Correction	Appeal against the examiner’s decision	Advisory opinion	Exclusion • Recusation, Approval/ disapproval for intervention	Opposition to grant of patent
X	Dismissal of a trial decision.	Dismissal of a trial decision	Dismissal of a trial decision	Dismissal of a decision(as applied mutatis mutandis pursuant to Patent Act Article 135)		Dismissal of a decision(as applied mutatis mutandis pursuant to Patent Act Article 135)
XX	Dismissal of a decision	Dismissal of a decision	Dismissal of a decision	Dismissal of a decision(as applied mutatis mutandis pursuant to Patent Act Article 133-2)	Dismissal of a decision	Dismissal of a decision(as applied mutatis mutandis pursuant to Patent Act Article 133- 2)
XA	Allow correction. A request for trial is dismissed.(The claims demanded in the trial are all deleted by correction.)					Allow correction. A request is dismissed. (The claims requested in the trial are all deleted by the correction.)
Y	Do not invalidate.	Allow correctio n (fully approved).			Allow, Approve.	Maintain a patent.
YA	Allow correction. Do not invalidate. *1			Belong (a request is approved).		Allow correction. Maintain a patent.
YAA	Allow correction (Whole).					Allow all corrections. Maintain a

	Do not invalidate. *2					patent.
YAB	Allow correction (Partial). Do not invalidate. *2					Allow partial corrections. Maintain a patent.
YB	Do not allow correction. Do not invalidate.			Belong (a request is not approved).		Do not allow correction. Maintain a patent.
YC		Allow correction (Partial). *3				
Z	Invalidated. (the whole request is approved.)	Do not allow correction.	Do not register for establishment of a patent.		Not allowed, Not approved.	Cancel a patent. (the whole request is approved.)
ZA	Allow correction. Invalidate. (the whole request is approved.) *1		Cancel the decision of dismissal of amendment. The case shall be refused based on a reason of the original decision.	Do not belong (a request is approved).		Allow correction. Cancel a patent. (the whole request is approved.)
ZAA	Allow correction. (Whole). Invalidate. (the whole request is approved.) *2					Allow all corrections. Cancel a patent. (the whole request is approved.)
ZAB	Allow correction (Partial). Invalidate. (the whole request is approved.)					Allow partial corrections. Cancel a patent. (the whole

ZB	*2 Do not allow correction. Invalidate (the whole request is approved.)		Do not cancel the decision of dismissal of amendment. The case shall be refused based on a reason of the original decision	Do not belong (a request is not approved).		request is approved.) Do not allow correction. Cancel a patent. (the whole request is approved.)
ZC	Invalidate. (A request is partially approved.)					Cancel a patent. (A request is partially approved.)
ZD	Allow correction. Invalidate. (A request is partially approved.) *1					Allow correction. Cancel a patent. (A request is partially approved.)
ZDA	Allow correction. (whole) . Invalidate. (A request is partially approved.) *2					Allow all corrections. Cancel a patent. (A request is partially approved.)
ZDB	Allow correction (Partial). Invalidate. (A request is partially approved.) *2					Allow partial corrections. Cancel a patent. (A request is partially approved.)
ZE	Do not allow correction. Invalidate. (A request is partially approved.)					Do not allow correction. Cancel a patent. (A request is partially approved.)

- *1 In a case where correction is partially approved, the classification shall be YA, ZA or ZD (however, limited to trial for invalidation cases requested on or before March 31, 2014).
- *2 This classification can be used for trial for invalidation cases requested on or after April 1, 2014.
- *3 This classification can be used for trial for correction cases requested on or after April 1, 2014.

(Revised Oct 2015)