

02-02 PUDT

Trial and Appeal Decision Classification and Court Decision Classification

1. Trial and Appeal Decision Classification and Court Decision Classification

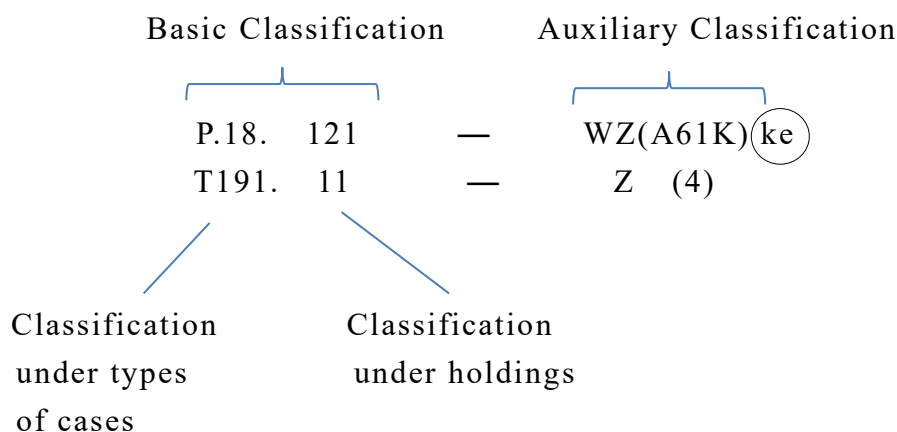
(1) Trial and appeal decision classification and court decision classification works as a label to classify a trial and appeal decision and a court decision under types of cases of the decision and matters mainly discussed in the decision in legal context (hereinafter, referred to as “holding”) as well as a conclusion of the decision, technology, articles and classification (class) of the goods.

(2) Trial and appeal decision classification and court decision classification, in principle, consist of “basic classification” having 4-8 digits and 3 kinds of “auxiliary classification” which are connected after “basic classification” with a hyphen.

To make it easier to identify each classification characteristics, a midpoint shall be put between “types of cases” and “holding”.

“Types of cases” consists of 3-5 digits of characters and numbers, and “holding” consists of 1-3 digits of numbers.

[Example 1]



2. Configuration of Trial and Appeal Decision Classification and Court Decision Classification

Trial and appeal decision classification and court decision classification roughly consist of a “basic classification” and an “auxiliary classification”, and a “basic classification” is further subdivided to a “classification under types of cases” and a “classification under holdings”.

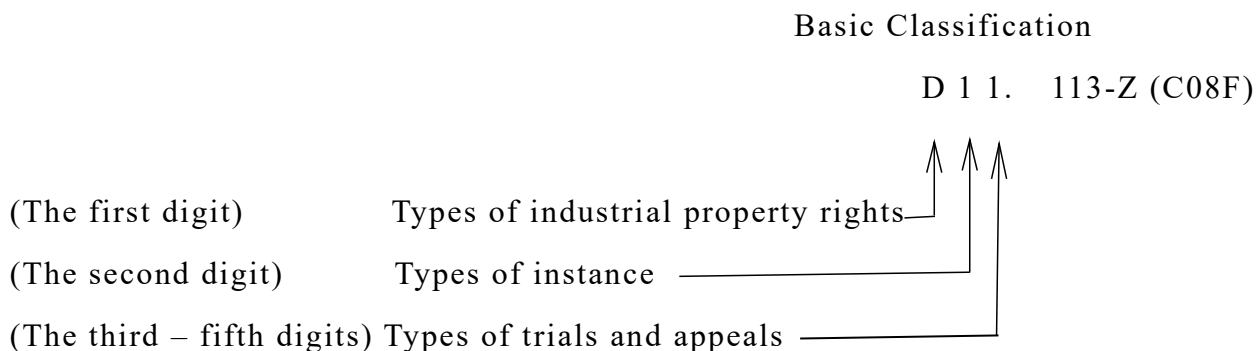
(1) Basic Classification

The basic classification is made based on the decimal system, and consists of 4-8 digits of characters and numbers. This classification is further subdivided to a classification of types of cases (3-5 digits) and a classification of holdings (1-3 digits) (See [Example 1]).

A. Classification under types of cases

A “classification under types of cases” indicates types of industrial property rights, types of instance, types of trials and appeals, etc.

[Example 2]



(A) The first digit (types of industrial property rights)

The first digit shows a types of industrial property rights subject of a case of dispute (by types: patent, utility model, design, and trademark, etc.), and any one of the symbols is used: P, U, D and T. For others, see 02-02 (sai) (1).

(B) The second digit (types of instance)

The second digit shows types of instance (by types: trial, expert opinion, bringing to an action, etc.).

A request for an opposition of grant of patent (cases on and after January, 1996 and on and after April, 2015) and a request for an advisory opinion are indicated as 1 in the second digit. For example, among oppositions of grant of patent, a request for an opposition of grant of patent against all claims is shown by P1651, a request of an advisory opinion is shown by P12.

(C) The third to fifth digits (types of trials/appeals)

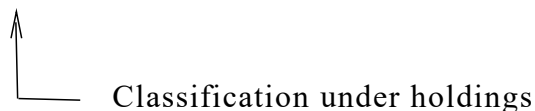
The third to fifth digits show types of trials and appeals (by types: invalidation, opposition to grant of patent, advisory opinion, revocation, an appeal against the examiner's decision, etc.).

B. Classification under holdings

A “classification under holdings” consists of numbers of 1-3 digits which indicates a portion of the first to third digits after a dot following a “classification under types of cases” in item A. They show a content of holdings mainly discussed in a trial/appeal decision or a court decision (by content: inventive step, inappropriate statement in a specification, similar design, similarity in appearance, etc.).

[Example 3]

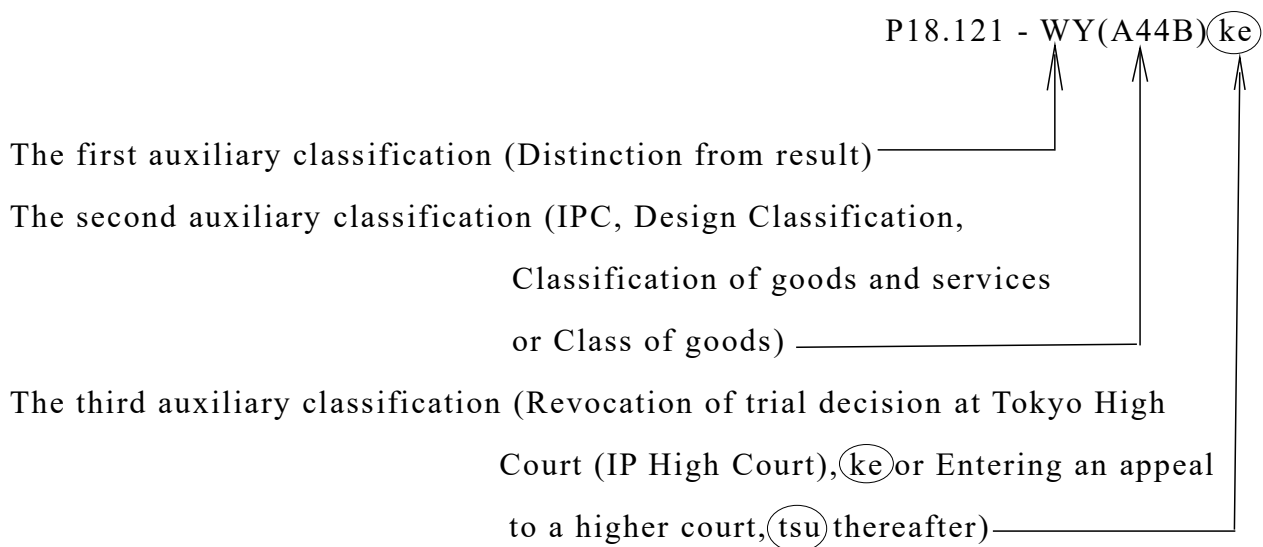
P1122.121 – Z (B29C)



(2) Auxiliary Classification

Auxiliary Classification is divided into the first, second and third classification.

[Example 4]



(A) The first auxiliary classification

The first auxiliary classification shown in Roman letters (capital letters) indicates distinction from the content of results of trial/appeal decision or court decision (dismissal, cancellation of the decision and registration, invalidation, etc.).

(B) The second auxiliary classification

The second auxiliary classification shown in parentheses indicates International Patent Classification (IPC) including classification of subclasses (for patent and utility model), Design classification (first 4 digits) (for design) and Classification of goods and services or Class of goods (for trademark).

(C) The third auxiliary classification

The third auxiliary classification is as shown by a symbol of (ke) or (tsu).

A symbol (ke) indicates a trial decision which is revoked at the Tokyo High Court (the IP High Court), whereas a symbol (tsu) indicates a trial decision which is revoked and then entering into a higher court.

(3) Characteristics of classification of trial and appeal decision and classification of court decision configure to combine each table of the classification tables (Patent/Utility Model: 02-02 (P•U), Design: 02-02 (D), Trademark: 02-02(T), Court decision: 02-02 (sai)) as shown in below.

Basic Classification				Auxiliary Classification		
Types of Cases (3-5 digits)			Holdings (1-3 digits)	First	Second	Third
Types of Industrial Property Rights	Types of Instance	Types of Trial Law Suit		Conclusion	IPC Design Classification Class of Goods	Revocation of Trial Decision Court (ke), (tsu)
↓	↓	↓	↓	↓	↓	↓
P	1	8	• 121	– Z	(B65H)	(tsu)
U	1	112	• 13	– Y	(A47J)	
D	1	2	• 1	– ZA	(J2 – 1)	
T	1	92	• 11	– Z	(4)	
P	3	8	• 121	– ZZ	(G11B)	
P	1	651	• 121	– ZC	(F02D)	

(Revised Feb 2015)

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)

P . - () ○

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			(Invalidation for registration of an extension of term)
		3			
		4		15	Invalidation for registration of an extension of terms (Full)
		5	Retrial	16	Invalidation for registration of an extension of terms (Partial)
		6		2	Advisory Opinion
		7		3	
		8			(Correction)
		9	Others	41	Correction
				42	
				43	
				49	
				51	(Exclusion • Recusation) Exclusion
				52	Recusation
				6	(A request for opposition to grant of patent)
				651	Full
		652	Partial		
		7			
		8	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) P . - () ○

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) Inventive 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
841	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) 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)

02—02.2 U
Classification Table for
Trial and Appeal Decisions: Utility Models

1. Classifications Under Types of Cases (Utility model, Level of Instance, Types of Trial/Appeal)

(from January 1, 1994)

U . - () ○

First digit		Second digit		Third – Fifth digits	
U	Utility Model	1	Trial/Appeal (including Advisory Opinion)		(Invalidation)
		2	_____	111	Invalidation for the claims/inventions demanded
		3	_____	114	Invalidation for the claims/inventions demanded (Demand from 2004)
		4	_____	121	Partial invalidation
		5	Retrial	124	Partial invalidation (Demand from 2004)
		6	_____		
		7	_____	15	
		8	_____	16	
		9		2	Advisory Opinion
			Others	3	_____
		41			
		42	_____		
		43			
		49			

					(Exclusion • Recusation)
				51	Exclusion
				52	Recusation
				6	_____
				7	
				8	Appel against the examiner's decision of refusal (interlocutory decision)
				91	Decision of approval/disapproval of intervention
				92	
				93	
				94	Decision of preservation of evidence
				95	Decision of approval/disapproval of succession

2. Classification Table Under Types of Holdings

(1) Invalidation for registration

(from January 1, 1994)

U . - () ○

Classification	Holdings
0	General proceedings (Appended table)
1	Utility Model Act Article 3 Requirements for registration (New) _____
111	(1)(i) Publically known
112	(1)(ii) Publically worked
113	(1)(iii) Disclosed in a publication
12	_____
121	(2) Inventive step
13	The body Articles
14	The body Industrial applicability
15	The body Inventor • Applicant
151	Utility Model Act Article 11 Joint application
152	Utility Model Act Article 37 Utility model registration by non-inventor, (1) (v) by a person who has not succeeded to the right
16	Utility Model Act Article 3-2
161	Same device
162	Same inventor
163	Same applicant
2	Utility Model Act Article 4 Device which cannot be registered
21	_____
22	_____
23	_____
24	Utility Model Act Article 4 Public order, morality, public health
25	_____

26		_____
3		_____
31		_____
32		_____
33		_____
4	Utility Model Act Article 7	Prior application
5		Others
51	Utility Model Act Article 2-5 (3)	Enjoyment of rights by foreign nationals
	Utility Model Act Article 37 (1)(iii)	Utility model registration in violation of any relevant treaty
	Utility Model Act Article 37 (1)(vi)	Violation of any relevant treaty after registration
52		_____
	(Improper description in the specification)	
531	Utility Model Act Article 5 (4)	Improper description in the detailed description of the invention (until June 30, 1995)
532		_____
533		_____
534	(5) (i) (ii) and (6)	Improper description formality in the claims (until June 30, 1995)
535	(5)(iii) and (6)	Improper description formality in the claims (until June 30, 1995)
536	(4)	Improper description in the detailed description of the invention (from July 1, 1995)
537	(6)(i)(ii) and (iii)	
538	(6)(iv)	Improper description formality in the claims
55	Utility Model Act Article 2-2	Amendment of addition of new matters

	(2)	
6		_____
61		_____
62		_____
63		_____
64		_____
641		
642		
643		_____
644		_____
645		
81		
811		
812		

(2) Advisory opinion (from January 1, 1994)

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

(3) Appended table (Sub-classification of general proceedings)
(from January 1, 1994)

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 matter
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 Type of Trial/Appeal)
(Utility Model) (from January 1, 1994)

Classification	“Conclusion” under types of trial/appeal, etc.		
	Invalidation	Advisory opinion	Exclusion Recusation, Approval/ disapproval of intervention
X	Dismissal of the trial decision	Dismissal of the advisory opinion (Article 135)	
XX	Dismissal of the decision	Dismissal of the decision (Article 133)	Dismissal of the decision
XA	Necessary for correction Dismissal of a request for a trial (delete all of the claims under dispute due to correction)		
Y	Do not invalidate		Approve, Permit
YA	Necessary for correction Do not invalidate	Belong (a request is approved).	
YB		Belong (a request is not approved).	
Z	Invalidate (the whole request is approved)		Do not approve, Do not permit
ZA	Necessary for correction Invalidate (the whole	Do not belong (a request is approved).	

<p>ZB</p> <p>ZC</p> <p>ZD</p>	<p>request is approved)</p> <p>Invalidate (A request is partially approved)</p> <p>Necessary for correction</p> <p>Invalidate (A request is partially approved)</p>	<p>Do not belong (a request is not approved).</p>	
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(Revised Nov 2010)

02—02.3 D
Classification Table for
Trial and Appeal Decisions: Designs

1. Classifications Under Types of Cases (Design, Level of Instance, Types of Trial/Appeal)

(Design)

D — () ○

First digit		Second digit		Third – Fifth digits	
D	Design	1	Trial/Appeal	11	(Invalidation)
		2	_____	113	(Invalidation) (Note a)
		3	_____	2	Advisory Opinion
		4	_____	3	_____
		5	Retrial	4	_____
		6	_____		(Exclusion • Recusation)
		7	_____	51	Exclusion
		8	_____	52	Recusation
		9	Others	6	_____
				7	Appeal against the examiner's decision dismissing an amendment
		8	Appeal against the examiner's decision (Interlocutory decision)		
		91	Decision of approval/disapproval of intervention		
		92	_____		

				93	Decision of dismissal of an amendment
				94	Decision of prevention of evidence
				95	Decision of approval/disapproval of succession

(Note a) Apply for a trial for invalidation requested after January 1, 2004

2. Classification Table Under Types of Holdings

(1) Invalidation for registration, Appeal against the examiner's decision

(Design)

D . — () ○

Classification	Holdings
0	General proceedings (Appended table)
1	Design Act Article 3
11	Requirements for registration
111	New
112	(1) (i)
113	Publicly-known (including similarity)
12	(1) (ii)
121	Disclosed in publication
13	(2)
14	Creation
15	(2)
	Easily be created
	Articles
	Industrial applicability
	Creator、Applicant
	Joint application
	Design Act Article 15
	(→Patent Act Article 38)
	Design Act Article 17(4)
	Application filed by a non-creator who has not succeeded
	Design Act Article 48(1)(iii)
	Design registration registered by a non-creator who has not succeeded
16	Design Act Article 3-2
2	Design Act Article 5
21	Requirements for registration(partial)
22	Design which cannot be registered
23	_____
24	(i)
25	Public order, morality
26	(ii)
3	Confusion with an article
31	(iii)
32	Shape indispensable for functions
33	Design Act Article 10
4	Related designs (including similar designs)
5	_____
51	Design Act Article 9
	Prior application
	Others
	Design Act Article 68(3)
	Enjoyment of rights by foreign nationals
	(→Patent Act Article 25)
	Design Act Article 17(ii)
	Application in violation of any relevant treaty
	Design Act Article 48(1)(ii)
	Registered design in violation of any relevant treaty
	Design Act Article 48(1)(iv)
	Violation of any relevant treaty after registration
52	Design Act Article 7
53	One application per design
6	_____
61	Design Act Article 8
62	Design for a set of articles
63	_____

(2) Advisory Opinion
(Design)

Classification	Holdings
0	General Proceedings (Annex)
1	Same • Similar
2	_____
9	Others

(3) Appeal against the examiner's decision dismissing an amendment, Decision of dismissal of amendment

(Design)

Classification	Holdings
0	General Proceedings (Annex)
1	Drawings (including description of design)
2	Articles (including description of articles)

(4) Annex (sub-classification of general proceedings)

(Design)

Classification	Holdings
0	General Proceedings
01	Indication of request, Request
02	Interest, Fitness for being a party
03	Filing date, Priority date, Date of request
04	Subject matter
05	Method of proceedings, Proceeding procedures
06	Evidence
07	Prohibition of double jeopardy
08	Finding of the gist
081	Rights
082	Not rights
09	Others

091	Intervention
092	Opposition

3. Classification Table Under “Conclusion”(per Type of Trial/Appeal)

(Design) D . — () ○

Classification	“Conclusion” under types of trial/appeal				
	Invalidation	Appeal against the examiner’s decision	Appeal against the examiner’s decision dismissing an amendment	Advisory opinion	Exclusion • Recusation, Approval/disapproval of intervention
W		Revoke and remand	Revoke		
WY		Revoke and register			
WZ		Do not register (A reason for refusal on the merits)			
X	Dismissal of the trial decision	Dismissal of the trial decision	Dismissal of the trial decision	Dismissal of the advisory opinion (Article 135)	
XX	Dismissal of the decision	Dismissal of the decision	Dismissal of the decision	Dismissal of the decision (Article 133)	Dismissal of the decision
Y	Do not invalidate				Approve, Permit
YA				Belong (a request is approved)	

YB				Belong (a request is not approved)	
Z	Invalidate	Do not register	Do not revoke		Do not approve, Do not permit
ZA				Do not belong (a request is approved)	
ZB				Do not belong (a request is not approved)	
ZC					

(Revised Nov 2010)

02—02.4 T
Classification Table for
Trial and Appeal Decisions: Trademarks

1. Classifications Under Types of Cases (Trademark, Level of Instance, Types of Trial/Appeal)

(Trademark)

T . — () ○

First digit		Second digit		Third-Fifth digits	
T	Trade mark	1	Trial/Appeal		(Invalidation)
		2	_____	11	Whole Invalidation
		3	_____	12	Partial invalidation
		4	_____	13	Invalidation for renewal registration (in whole) (before the revision of the act in 1996)
		5	Retrial	14	Invalidation for renewal registration (in partial) (before the revision of the act in 1996)
		6	_____	17	Invalidation for Registration for replacement of goods and class (in whole)
		7	_____	18	Invalidation for Registration for replacement of goods and class (in partial)
		8	_____	2	Advisory opinion
		9	Others		(Revocation)
				31	Whole revocation
				32	Partial revocation
				4	_____
					(Exclusion · Recusation)

				51	Exclusion
				52	Recusation (Opposition to registration of trademark)
				651	Opposition in whole
				652	Opposition in partial
				7	Appeal against the examiner's decision dismissing an amendment
				8	Appeal against the examiner's decision
				81	Appeal again the examiner's decision of replacement of Goods and Services (interlocutory decision)
				91	Decision of approval/disapproval of intervention
				92	Decision on opposition to registration of trademark (before the revision of the act in 1996)
				93	Decision on dismissal of an amendment
				94	Decision on preservation of evidence
				95	Decision on approval/disapproval of succession

2. Classification Table Under Types of Holdings

(1) Invalidation, Appeal against the examiner's decision, Decision on opposition to registration

(Trademark)

T . — () ○

Classification	Holdings
0	General proceedings (Appended table)
1	TM Act Article 3 general Requirements for trademark registration
11	TM Act Article 3(1)(i) Common name
12	TM Act Article 3(1)(ii) Commonly used
13	TM Act Article 3(1)(iii) Place of origin, Place of sale, Quality, Raw materials, etc.
14	TM Act Article 3(1)(iv) Typical surname, typical name
15	TM Act Article 3(1)(v) Very simple and common
16	TM Act Article 3(1)(vi) Marks other than stated in items (i)–(v)
17	TM Act Article 3(2) Distinctiveness of own products acquired through use
18	TM Act the body of Article 3 (1) Description about the business, use of the trademark (intention)
2	TM Act Article 4 general Unregistrable trademarks
21	Act Article 4(1)(i) National flags, imperial chrysanthemum crests, medals, etc.
	TM Act Article 4(1)(ii) Coats of arms of convention countries, etc.
	TM Act Article 4(1)(iii) Indication of international organizations, etc.
	TM Act Article 4(1)(iv) Emblems and Titles of the Red Cross, etc.
	TM Act Article 4(1)(v) Official hallmark or sign indicating control or warranty, etc.
	Act Article 4 (1)(vi) Indication of a non-profit organization undertaking a business for public interest, etc.

	TM Act Article 4(1)(ix)	Prize awarded at an exhibition, etc.
	TM Act Article 4(1)(xiv)	Identical with or similar to the registered name according to the Plant Variety Protection and Seed Act
22	TM Act Article 4(1)(vii)	Public order, morality
222	TM Act Article 4(1)(xix)	Application under unfair purposes
23	TM Act Article 4(1)(viii)	Portrait, name, or famous professional name of another person, etc.
24	TM Act Article 4(1)(xiii)	Trademarks of another person of which one year has not been passed after extinguished (before the revision of the act in 2011).
25	TM Act Article 4(1)(x)	Well-known trademarks
	General	
251		Similarity in appearance
252		Similarity in appellation
253		Similarity in concept
254		Similarity of goods (services)
255		Publicizing trademarks
26	TM Act Article 4(1)(xi) general	Registered trademark of another person
261		Similar in appearance
262		Similar in appellation
263		Similar in concept
264		Similarity of goods (services)
265		Similarity of goods and services
27		Misidentification, confusion, general
271	TM Act Article 4(1)(xv)	Confusion as to origin of goods
272	TM Act Article 4(1)(xvi)	Misidentification of quality

28	TM Act Article 4(1)(xii)	Registered Defensive mark of another person
29	TM Act Article 4(1)(xvii)	Indication of a place of origin of wines or spirits
3	TM Act Article 7 (before revision of the act in 1996)	Associated trademark
4	TM Act Article 8	Prior application
5	TM Act Article 51(2)	Re-registration of a trademark once revoked the registration due to malicious use
	TM Act Article 53(2)	Re-registration of a trademark once revoked the registration due to unfair use by a licensee
6	TM Act Article 77(3) (→Patent Act Article 25)	Enjoyment of rights by foreign nationals
	TM Act Article 46(1)(ii)-(vi)	Violation of treaty, etc. and the late-coming reasons for invalidation
	TM Act Article 15(1)(ii)	Violation of treaty, etc.
7	TM Act Article 21(1)	Renewal registration
71	TM Act Article 21(1)(i)	Grounds for un-registrability for public
72		interest
73	TM Act Article 21(1)(ii)	Non-use of a registered trademark
74	TM Act Article 21(1)(iii)	Filing an application by a non-right holder
	Supplementary Provisions of TM Act Article 13 (the Act of 1996)	Renewal of overlapped registration of services
8	Same as above Act Article 17 (the Act of 1996)	Invalidation for renewal of overlapped registration of services
81	TM Act Article 64	Defensive marks
82		Identical of the marks

83		Confusion of the goods (services)
84		Filing an application by a non-trademark holder
9		Violation of a treaty
91		Others
92		TM Act Article 6 • one trademark per application
	TM Act Article 15(1)(iv)	Filing an application by an agency or representative of a non-legitimate trademark holder representative
93		
	Supplementary Provisions of TM Act Article 6(1)	Application of special provisions based on use
941		
	TM Act Article 4 (1)(xviii), etc	Three-dimensional trademarks
942		
	TM Act Article 7	Collective marks (including regional collective trademarks)
945		
	Supplementary Provisions of TM Act Article 8 (1)	Application of special provisions based on trademarks for retails services (from April, 1, 2007)
95		
	Supplementary Provisions of TM Act Article 6	Registration for replacement of goods and class
951		
	Supplementary Provisions of TM Act Article 6(1)	Requirements of Supplementary Provisions of of TM Act Article 4(1)
952		
	Supplementary Provisions of TM Act Article 6(2)	Request by a non-trademark holder

(2) Revocation

(Trademark)

Classification	Holdings
0	General proceedings (appended table)
1	TM Act Article 50
11	Revocation of a registered trademark not in use
12	Identity of trademarks
2	Use of trademarks including last-minute use
3	TM Act Article 51
31	Revocation due to unfair use of the right holder
31	Supplementary Provisions of TM Act Article 10 (TM Act of 1991)
4	TM Act Article 52-2
5	Revocation due to confusion of transfer of similar trademarks
5	TM Act Article 53
6	Revocation due to unfair use of the licensee
6	TM Act Article 53-2
	Revocation of the registration by an agency or a representative other than a lawful right holder

(3) Advisory opinion

(Trademark)

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

(4) Appeal against the examiner's decision dismissing an amendment, Decision of dismissing an amendment

(Trademark)

Classification	Holdings
0	General proceedings (appended table)
1	Trademark (Services)
2	Goods

(5) Appended table (sub-classification of general proceedings)

(Trademark)

Classification	Holdings
0	General proceedings
01	Indication of a written request, Request
02	Interest, Eligibility of parties (determination on abuse of rights), Benefit of request

03	Application date, Priority date, Date of request
04	Subjects
05	Method of proceedings, Proceeding procedures
06	Evidence
07	Prohibition of double jeopardy
08	Finding of gist
081	Rights
082	Not rights
09	Others
091	Intervention
092	Opposition

3. Classification Table Under “Conclusion” (per Types of Trial/Appeal)
(Trademarks)

T - () ○

Classification	“Conclusion” per types of trials/appeals						
	Invalidation Cancellation	Appeal against the examiner’s decision	Appeal against the examiner’s decision dismissin g an amendme nt	Advisory opinion	Exclusion • Recusation Approve/Disa pprove of Intervention	Pre- grant opposit ion	Post-grant opposition
W		Cancel and remand	Cancel				
WY		Cancel and registration				There is no reason.	
WZ		Do not register (a reason for refusal in this trial)				There is a reason.	
X	Dismissal by the trial decision	Dismissal by the trial decision	Dismissal by the trial decision	Dismissal of the decision(Article 135)			Dismissal of a request
XX	Dismissal by the decision	Dismissal by the decision	Dismissal by the decision	Dismissal of the decision(Article 133)	Dismissal by the decision	Dismissal of a request	Dismissal of a written request
Y	Do not invalidate Do not cancel				Approve, Permit		Maintain the registration
YA				Belong(a request is approved)			
YB				Belong(a request is not approved)			

Z	invalidate(the whole request is approved) cancel (the whole request is approved)	Do not register	Do not cancel		Do not approve, do not permit		Cancellation of the registration (the whole request is cancelled)
ZA				Do not belong (a request is approved)			
ZB				Do not belong (a request is not approved)			
ZC	Invalidate (a request is partially approved) Cancel (a request is partially approved)						Cancellation of the registration (partially cancel, partially maintain)

(Revised April 2009)

02—02.5 PUDT

Classification Table for Court Decisions

Classifications of court decisions shall be described according to the instructions for entry of the classifications of trial/appeal decisions (→02-02, the classifications of trial/appeal) using the following tables.

1. Classifications under the types of cases (Patent, Utility Model, Design, Trademark, and others; Level of Instance; Types of Lawsuits)

(Court decisions)

First digit (P,U,D, T and Others)		Second digit (level of instance)		Third-Fifth digits (Types of lawsuits)	
P	Patent	3	Appeal with the	0	Lawsuit (Note)
U	Utility Model		High Court		
D	Design	4	Appeal with the	01	Ordinary lawsuit
T	Trademark		Supreme Court	02	Administrative litigation
E	Others	5	_____		(excluding revocation of a
		7	Appeal with the		trial decision)
			District Court	03	Provisional injunction
				04	Retrial
				09	Others

(Note) When entering a court decision for revocation of a trial decision or a decision, the third-fifth digits (Types of trial/appeal, etc.) in the classification tables of patent, utility model, design, or trademark (02-02 (PUDT)) are applied to the third – fifth digits (Types

of lawsuits) in the classification table of court decisions .

(Example) P3112 • 121-ZZ (G11B)

(A court decision to maintain a trial decision to invalidate the entire patent)

2. Classification Table Under Holdings (Note 1)

(Court decision)

— ()

(Ordinary lawsuits, Provisional injunction, Retrial) (Administrative litigation)

	Holdings		Holdings
0	General proceedings (Note 2)	0	General proceedings (Note 2)
1	Range of rights	1	Cancellation of disposition
11	Same, Similar	11	Cancellation of disposition upon refusal of receipt
12	Use	12	Cancellation of disposition upon registration
19	Others		
2	Prior Use	2	Confirmation of illegality of omission
3	Right of demand injunction		
4	Act deemed to be an infringement		
5	Presumption		
51	Amount of damages		
52	Negligence		
53	Production method		
6	Measures for recovery of reputation		
9	Others	9	Others

(Note 1) Classifications by holdings of a court decision on a suit against a trial (appeal) decision shall be classified by using the applicable classifications of those of trial/appeal.

(Note 2) Sub-classifications of proceedings in general shall be classified by using the applicable classifications of those of trial/appeal.

3. Classification table for “Conclusion” (per types of suits)

When classifying “Conclusion” of court decisions, enter “W, Z, X” after the “Conclusion” classification of the prior trial/appeal decision (court decision), such as “W” for a court decision to revoke the prior trial/appeal decision (court decision), “Z” for a court decision to maintain (dismissal of a request) the prior trial/appeal decision (court decision), or “X” for dismissal of a request.

(1) “Conclusion” related to a suit against a trial/appeal decision, etc.

A. Examples for a court decision on a suit against an ex-parte appeal decision (including the decision)

Appeal Decision	High Court Decision	Supreme Court Decision		
Disapproving a request	Z	Revocation of original court decision	ZWW	
		Maintenance of original court decision	WZWW	
	WZ	ZW	Maintenance of original court decision	ZWZ
		WZW		WZZW
	Z	ZZ	Revocation of original court decision	ZZW
		WZZ	Maintenance of original court decision	WZZW
WZ	Z	Maintenance of original court decision	ZZZ	
		WZZ	Maintenance of original court decision	WZZZ

B. Examples for a court decision on a suit against an inter-partes trial decision • a decision

Trial Decision	High Court Decision • Decision (Note)	Supreme Court Decision	
Do not invalidate Allow correction Do not revoke	Revocation of trial decision	YW { Revocation of original court decision YWW	
		YW { Maintenance of original court decision YWZ	
	Maintenance of trial decision	YZ { Revocation of original court decision YZW	
		YZ { Maintenance of original court decision YZZ	
	Invalidate Revoke Do not allow correction Invalid in partial Revoke in partial	Revocation of trial decision	ZW { Revocation of original court decision ZWW
			ZCW { Maintenance of original court decision ZCWZ
Maintenance of trial decision		ZZ { Revocation of original court decision ZZW	
		ZZ { Maintenance of original court decision ZZZ	
ZC { Revocation of original court decision ZCWW			
ZC { Maintenance of original court decision ZCZW			
ZC { Maintenance of original court decision ZCZZ			

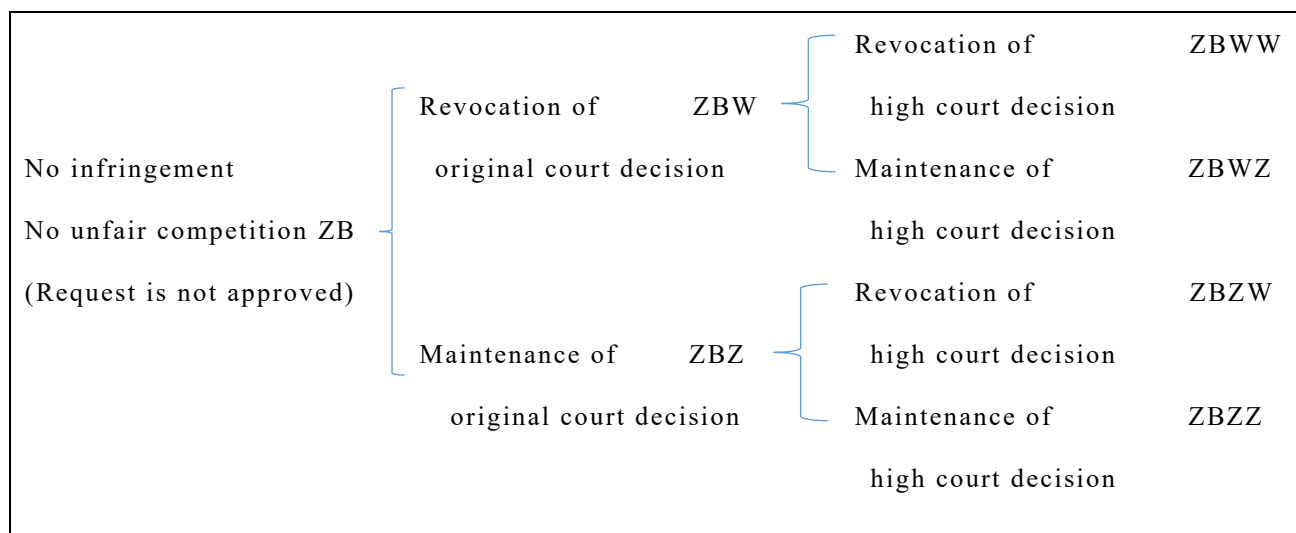
(Note) With respect to revocation of a trial decision by a decision of remand pursuant to the 2003 Act on Partial Revision of the Patent Act, Article 181(2), “V” is added to a code of conclusion of a trial decision, and makes the code such as YV, ZV, ZCV.

C. Examples for a court decision on a suit against a decision to revoke relating to opposition to grant of patent (opposition to registration of trademark)

Decision		High Court Decision	Supreme Court Decision
Cancel	Z	Revocation of decision	ZW
			ZCW
Cancel in partial	ZC		ZWZ
			ZCWZ
		Maintenance of decision	ZZ
			ZCZ
			ZZW
			ZCZW
			ZZZ
			ZCZZ

(2) Ordinary lawsuit, Provisional injunction, Retrial court decision “Conclusion”

District Court Decision	High Court Decision	Supreme Court Decision		
Infringement Unfair competition YA (Request is approved)	Revocation of original court decision	YAW	Revocation of high court decision	YAWW
		YAWZ	Maintenance of high court decision	YAWZ
	Maintenance of original court decision	YAZ	Revocation of high court decision	YAZW
		YAZZ	Maintenance of high court decision	YAZZ
Infringement Unfair competition YB (Request is approved)	Revocation of original court decision	YBW	Revocation of high court decision	YBWW
		YBWZ	Maintenance of high court decision	YBWZ
	Maintenance of original court decision	YBZ	Revocation of high court decision	YBZW
		YBZZ	Maintenance of high court decision	YBZZ
Infringement Unfair competition ZA (Request is approved)	Revocation of original court decision	ZAW	Revocation of high court decision	ZAWW
		ZAWZ	Maintenance of high court decision	ZAWZ
	Maintenance of original court decision	ZAZ	Revocation of high court decision	ZAZW
		ZAZZ	Maintenance of high court decision	ZAZZ



(3)A court decision on an administrative case litigation “Conclusion”
 (Relating to a suit against a trial/appeal decision “Conclusion” →3(1)a, b)

District Court Decision	High Court Decision	Supreme Court Decision
Cancellation of disposition W	Revocation of original court decision WW	Revocation of high court decision WWW
		Dismissal of appeal WWZ (Maintenance of high court decision)
	Dismissal of request (Maintenance of original court decision) WZ	Revocation of high court decision WZW
		Dismissal of appeal WZZ (Maintenance of high court decision)
Dismissal of request Z	Revocation of original court decision ZW	Revocation of high court decision ZWW
		Dismissal of appeal ZWZ (Maintenance of high court decision)
	Dismissal of request (Maintenance of original court decision) ZZ	Revocation of high court decision ZZW
		Dismissal of appeal ZZZ (Maintenance of high court decision)

(Revised July 2005)

02—03 PUDT**Guideline for Designating Trial and Appeal Decision Classification
and Court Decision Classification****I. General**

1. When the content of “holdings” in a trial/appeal decision covers more than two points, matters stating a main point is decided to be a main classification and matters stating references is decided to be a sub-classification.

A sub-classification shall be written down with characteristics of classification relating to “holdings” of a main classification:

(Example 1) P1112.121-Z (H04N) …… main classification
.02 …… sub-classification

(Example 2) D 111.121-Z (L4-2)
.03

2. When certain classification items are comprised of the upper classification and the lower classification, the upper classification is provided for classifying matters which do not belong any lower classifications.

(Note 1) When matters to be classified fall under only one or multiple lower classifications, the upper classification is not provided.

(Note 2) When matters to be classified exist more than one, and among these matters, one matter falls under the lower classification and other matters fall under the upper classifications, these lower classification and upper classifications shall be written down together.

3. Contents of each item in sub-classifications of “Proceedings in general 0” are as shown in Table IV.

II. Classifications of Trial/Appeal Decisions

1. Notes when providing the classifications under various interlocutory decisions

(1) Characteristics of the classifications of “Types of trials/appeals” under the determination of dismissal of amendment is 93, and all classifications except “Conclusion” needs to be described.

(Example 1) T193.1-(103)

(Example 2) D193.2-(L4-2)

(2) Decisions on approval/disapproval of intervention and of succession do not provide the classification relating to holdings.

When characteristics of the classifications are provided with a trial/appeal decision of the case where the decision on approval/disapproval of intervention is made, 091 shall be written together as a sub-classification.

(Example) D191.-Z Decision

D111.11-Z (117) Trial/appeal decision

.091

Classifications of trial/appeal decisions and decisions provided when making various decisions stated above are shown in the following table.

Types of decisions	Examples of the classifications according to trial/appeal decisions • decisions
Decision on an opposition to grant of patent (Enforcement on April 1, 2015)	Decision..... P1651.113 -Y Decision..... P1652.121 -Z
Decision on an opposition to registration of trademark (Enforcement on April, 1, 1997)	Decision..... T1651.262 -Y(011) Decision..... T1651.262 -Z(040) Decision..... T1651.13 -ZC(038) Decision..... T1652.272 -ZD(030)
Decision on approval/disapproval of intervention	Decision..... D191. -Z Decision..... D111.11 -Z(17) .091
Decision on approval/disapproval of succession	Decision..... D195. -Z

2. When, in an ex-parte appeal, an appeal decision is made to the effect that a reason for refusal in the original decision cannot be supported, but a request for appeal cannot be approved based on a reason for refusal in this appeal or in the reexamination by the examiner before trial, or other reasons for refusal in the preliminary trial, WZ shall be written as a classification of conclusion.

3. Classifications related to holdings are not provided with decisions of exclusion or recusation.

(Example) U151.-Y(D04H)

4. Examples for providing the classifications relating to “full invalidation (rescission)” and “partial invalidation (rescission)”

(Examples)

P1112.111 – Z (C07D)	Approval of a request for a trial for full invalidation
P1122.111 – Z (C07D)	Approval of a request for a trial for partial invalidation
P1112.111 – ZC (C07D)	Partial approval of a request for a trial for full invalidation
P1122.111 – ZC (C07D)	Partial approval of a request for a trial for partial invalidation
T131.1 – Z (4)	Approval of a request for a trial for full rescission
T132.1 – Z (4)	Approval of a request for a trial for partial rescission
T131.1 – ZC (4)	Partial approval of a request for a trial for full rescission
T132.1 – ZC (4)	Partial approval of a request for a trial for partial rescission

5. Notes for advisory opinion

(1) “Use” described in “holdings” of an advisory opinion case refers to the relationship of use of rights, such as whether implementation of a thing (a subject article in dispute (Object A)) requires implementation of the present right.

(2) In an advisory opinion, when both subject matters are rights and have the same classification, an equal sign (“=”) shall be added at the end of the second auxiliary classification, and when the both do not have the same classification, a class code of the other shall be added after =.

(Examples)

- Both are rights (a right vs a right) with the same classification:

P 12.2-YA (A01D=)

- Both are rights (a right vs a right) with the different classification:

P 12.1-ZB (D01H=B65H)

6. A characteristic of the classification of “types of level of instance” in a trial decision under a “retrial case” is shown as 5.

(Example) Ⓢ 5112.01-X (B01J)

7. A chief administrative judge shall check the trial decision classifications or the court decision classifications designated by an administrative judge.

8. Examples of use the classifications of trial/appeal decisions

(1) Case examples of a patent appeal against examiner’s decision of refusal

A. In an appeal against the examiner’s decision of refusal of a patent,

(A) a statement of dissatisfaction was filed against the decision of dismissal of an

amendment in the preliminary trial, and the present trial supports this judgment to the effect that the patent after amendment cannot be granted independently pursuant to the Patent Act Article 29(2), therefore, it is determined that the dismissal of an amendment is legal.

(B) it is determined that a patent should not be refused based on reasons for refusal in the preliminary trial (the Patent Act Article 29 (1) (iii)), but the decision of refusal is maintained based on a reason for refusal in the present trial (the Patent Act Article 29(2)).

P18.121-WZB

.575

.121

B. In a patent appeal against the examiner's decision of refusal,

(A) it is determined that the patent should not be refused based on the reason for refusal (the Patent Act Article 29-2) in the preliminary trial, and when another reason for refusal (Final, the Patent Act Article 29(1)(iii)) is notified in the present trial, an amendment is filed. However, a trial decision is made to the effect that a request is not approved since the patent after amendment cannot be granted independently pursuant to the Patent Act Article 29(2), and at the same time the decision is made to dismiss the amendment.

P18.113-WZ

.575

.121

C. In a patent appeal against the examiner's decision of refusal,

(A) a statement of dissatisfaction is filed against the decision of dismissal of an amendment in the preliminary trial, and the present trial supports this judgment to the effect that the patent after amendment cannot be granted independently pursuant to the Patent Act Article 29(2) and therefore it is determined that the dismissal of an amendment is legal.

(B) it is determined that the patent should not be refused based on the reason for refusal (the Patent Act Article 29-2) in the preliminary trial, and when another reason for refusal (Final, the Patent Act Article 29(1)(iii)) is notified in the present trial, an amendment is filed. However, a trial decision is made to the effect that a request is not approved due to a new matter introduced by said amendment, and at the same time the decision is made to dismiss the amendment.

P 18.113-WZB

.575

.121

D. In a patent appeal against the examiner's decision of refusal of a patent,

(A) a statement of dissatisfaction is filed against a decision of dismissal of an amendment in a preliminary trial, but the present trial supports this judgment to the

effect that a new matter is added by the amendment, therefore, it is determined that the dismissal of an amendment is legal.

P18.121-WZB

.561

E. In a patent appeal against the examiner's decision of refusal,

(A) a statement of dissatisfaction is filed against the decision of dismissal of an amendment in the preliminary trial, the present trial admits an error in the judgment where the patent after amendment cannot be granted independently pursuant to the Patent Act Article 29(2), and therefore it is determined that the dismissal is illegal.

(B) the trial decision is made to the effect that an invention which was once dismissed after amendment should be patented.

P 18.121-WYA

.575

.121

(2) Case example of a trial for invalidation of a patent

In a patent trial for invalidation, a request for correction is not approved on the grounds that a new matter is added to an invention after correction and therefore a trial decision to invalidate the patent is made pursuant to the Patent Act Article 29 (1) (iii).

P 1112.113 - ZB

.841

(3) Case example of a trial for correction

In a trial for correction, a trial decision is made that a correction is not approved on the grounds that an invention after correction cannot be patented independently pursuant to the Patent Act Article 29 (2).

P 141.856 - Z

.121

(4) Case example of an opposition to grant of patent

In a patent opposition, a decision to revoke a patent is made pursuant to the Patent Act Article 29 (2) on the grounds that a new matter is added to an invention after correction and therefore the correction is not approved.

P 1651.121—ZB

.841

9. When a trademark, descriptions in the second auxiliary classification and indications in a gazette are different.

(Example)	(103) → (3),	(211) → (old 11)
	Description Gazette	Description Gazette

III. Classifications of Court Decisions

1. When two or more conclusions exist in a court decision, classifications of each conclusion shall be described together.

2. Characteristics of the classifications of “Types of trials” and “Holdings” in court decisions regarding a suit against appeal (trial) decision shall follow those in 02-02(P · U), 02-02(D) and 02-02(T).

3. Characteristics of the classifications of “Types of trials” in court decisions regarding administrative litigations other than a suit against appeal (trial) decision shall be 02.

(Example) P 702.11 – Z (C08L)

4. A classification of “Conclusion” of a court decision shall be described just after that of a preliminary trial (court) decision. In this case, parentheses are needed for classifications of a court decision or a trial decision of a “Retrial case”, or “Conclusion” of a decision.

(Example 1) U 3112.01 - (X) Z (G11B)

(High Court decision in the case of appeal against an appeal (trial) decision of a retrial case)

(Example 2) U 3112.01- Z (X) (G11B)

(High Court decision of a retrial case against a final and binding court decision regarding a suit against appeal (trial) decision)

(Example 3) U 4112.01 - Z (X) Z (G11B)

(Supreme Court decision of a final appeal case against the High Court decision of Example 2)

(Example 4) P 704.01 - (X) (G11B)

(District Court decision of a retrial case against a final and binding court decision regarding a patent infringement suit)

(Example 5) P 301.01 - (X) Z (G11B)

(High Court decision of an intermediate appeal case against the district court decision of Example 4)

(Revised on March 30, 1985)

5. With respect to the related court decisions other than the decisions pertaining to the industrial property rights (such as court decisions relating to the Copyright, the Unfair Competition Prevention Law), a characteristic of the classification of the first digit “Types of industrial property rights, etc.” is designated as E.

IV. Definition or Example of Classifications for Proceedings in General

Classification	Holdings	Definition or Example	
0	Proceedings in general		
01	Indication of a written request/a written demand	Insufficient payment of fees; differences in an address, name, reference number of the right, etc.; inappropriate requests or reasons	
	Demand	A demand other than under jurisdiction of trial/appeal (for example, a demand for confirming the right of prior use); authority of representation (defectiveness of a Power of Attorney)	
02	Interest Eligibility as a party Benefit of request	A demand for a trial for invalidation from a licensee; a demand from not all persons receiving a decision or a trial decision, or jointly owned the right; a demand against an individual representative of a former right holder or a corporate right holder; a request for advisory opinion after extinction of the right	
03	Application date Priority date Date of demand Date of request	Finding of an application date, a priority date, or a date of demand; demands after the period of exclusion or the period of demand has passed, requests for an opposition after a designated period	
04	Subject matter	A demand for invalidated rights or pending applications; defectiveness, unclearness, a plurality, etc. of a subject article in dispute (Object A) in an advisory opinion; a demand for two rights; formal determination of acceptance or rejection of a written amendment (see 08)	
05	Method of proceedings	General policy or standards of proceedings	Except proceedings classified under 01-04 and 06-08.
	Procedures of proceedings	Legality of decision and procedures of proceedings.	
06	Evidence	Acceptance or rejection of evidences, procedures for examination of evidences; field verification, expert opinion, etc.	
07	Prohibition of double jeopardy	Proceedings related to prohibition of double jeopardy	
08	Finding of gist		
081	Rights	Finding of gist of the right after registration	Substantial determination on acceptance or rejection of a written amendment (see 04); Determination on matters which are not described in the claims
082	Not rights	Pending, or finding of gist of subject article in dispute (Object A)	

09	Others	Holdings not classified in 01 ~ 08
091	Intervention	Proceedings rendered decisions on approval/disapproval of various interventions
092	Opposition	Proceedings rendered various decisions on opposition (applied only to an opposition filed on or before December, 1995)

(Revised December 2020)