

## 02-02 PUDT

### Trial and Appeal Decision Classification and Court Decision Classification

#### 1. Trial and Appeal Decision Classification and Court Decision Classification

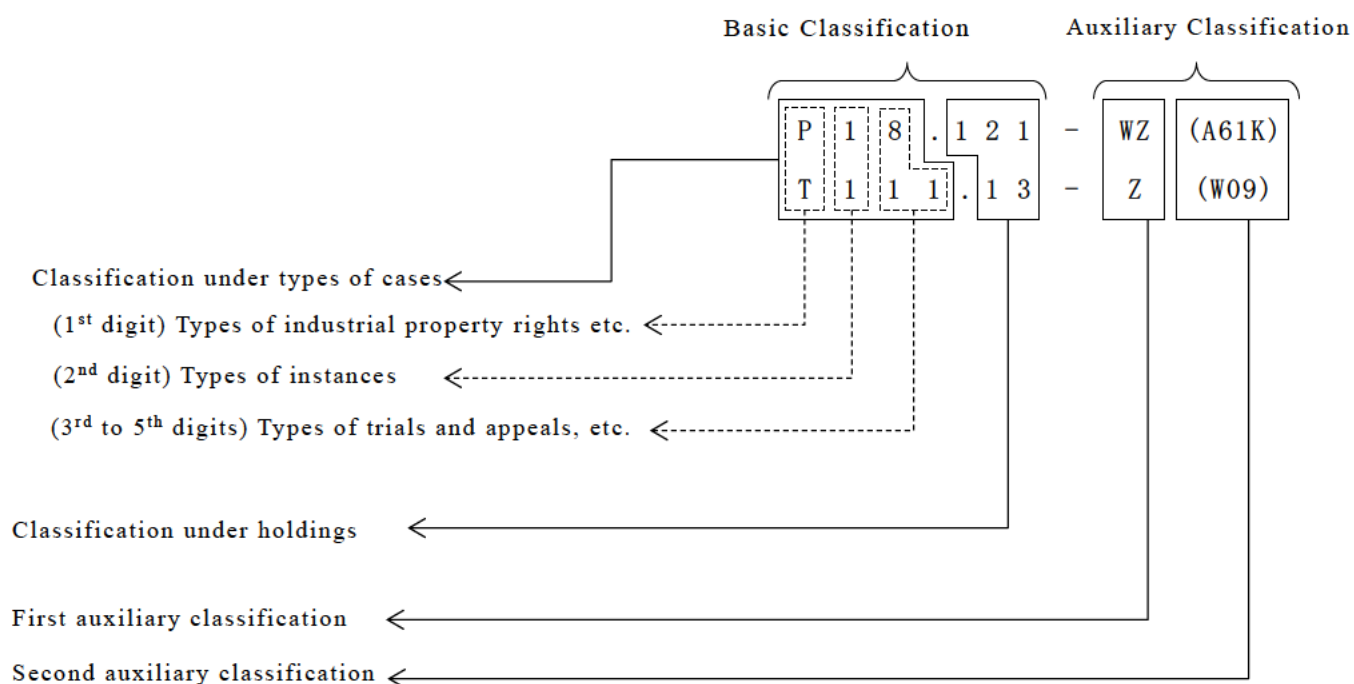
Trial and appeal decision classification and court decision classification work as a label to classify a trial and appeal decision, an opposition decision, a court decision, etc. (hereinafter, simply referred to as “a trial and appeal decision, etc.”) under types of cases of the decision, matters mainly discussed in the trial and appeal decision, etc. in legal context (hereinafter, referred to as “holding”) as well as a conclusion of the trial and appeal decision, etc., technology, articles or classification (class) of the goods. Trial and appeal decision classification and court decision classification are used as search tags when searching and referring to the past trial and appeal decisions, therefore the classification is applied for reference to a person who searched by that category in contents of determination or written expressions in trial and appeal decisions. Therefore, in principle, classification is given to matters that are described in a trial and appeal decision, etc., but not given to matters that are not described in a trial and appeal decision, etc. (including matters that have only been considered.)

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

Trial and appeal decision classification and court decision classification consist of a “basic classification” and an “auxiliary classification” connecting via hyphen thereto. The “basic classification” is further subdivided to a “classification under types of cases” which connects to a “classification under holdings” via a period. The “classification under types of cases” includes connecting “Types of industrial property rights, etc.”, “Types of instances” and “Types of trials and appeals. etc.” in sequence.

The “auxiliary classification” is “the first auxiliary classification” connected to “the second auxiliary classification”.

[Configuration of Trial and Appeal Decision Classification and Court Decision Classification ]



## (1) Basic classification

### A. Classification under types of cases (→02-02.1 ~ 02.5 1.)

#### (A) Types of industrial property rights etc.

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, T and E (→02-03 III 5.).

#### (B) Types of instances

The second digit shows types of instances (by types: trial and appeal, retrial, bringing an action, etc.) by a single digit number.

#### (C) Types of trials and appeals, etc.

The third to fifth digits show types of trials and appeals by numbers (by types: invalidation, opposition, Hantei (advisory opinion), rescission, an appeal against

examiner's decision, etc.). When a type of instance is a retrial, the type of trial or appeal where the trial and appeal decision etc. that is the subject of the request for retrial is made shall be used.

#### B. Classification under holdings (→02-02.1 ~ 02.5 2.)

The "classification under holdings consists of numbers of 1-3 digits which show a content of holdings mainly discussed in a trial and appeal decision, etc. (by content: inventive step, related design, similarity in appearance, etc.).

### (2) Auxiliary Classification

#### A. The first auxiliary classification (→02-02.1 ~ 02.5 3.)

The first auxiliary classification shown in alphabetical letters (capital letters) indicates a conclusion of a trial and appeal decision, etc. (dismissal, revocation of the original decision and registration, invalidation, etc.).

#### B. The second auxiliary classification

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

### 3. Specific Examples for Trial and Appeal Decision Classification and Court Decision Classification

Basic Classification				Auxiliary Classification	
Types of Cases (3-5 digits)			Holdings (1-3 digits)	First	Second
Types of Industrial Property Rights	Types of Instances	Types of Trials/App eals • Lawsuits		Conclusion	IPC  Design classification  Classification of goods/services and  Class of goods/services

↓	↓	↓	•	↓	↓	↓
P	1	8	•	121	— Z	(B65H)
P	1	651	•	13	— Y	(A47J)
P	3	2	•	1	— ZA	(J2 — 1)
U	1	92	•	11	— Z	(4)
D	1	8	•	121	— ZZ	(G11B)
T	1	651	•	121	— ZC	(F02D)

(Revised December 2023)

**02-02.1 P**

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

A classification table in this section applies to an application filed on or after January 1, 1996 (However, a classification concerning an opposition to grant of patent applies on or after April 1, 2015.)

1. Classification Under Types of Cases ( P . – ( ) )

First digit (Types of industrial property rights)		Second digit (Types of instances)		Third – Fifth digits (Types of trials/appeals, etc.)	
P	Patent	1	Trial/Appeal (including Opposition to grant of patent and Hantei (Advisory opinion))	112	<Invalidation> Full invalidation (request on or before 2003)
				113	Full invalidation
				122	Partial invalidation (request on or before 2003)
		5	Retrial	123	Partial invalidation
		9	Others		<Invalidation for registration of an extension of term>
				15	Invalidation for registration of an extension of term (Full)
				16	Invalidation for registration of an extension of term (Partial)
				2	Hantei (Advisory opinion)
				41	Correction
					<Exclusion • Recusation>
				51	Exclusion
				52	Recusation
				651	<A request for opposition to grant of patent> Full

				652	Partial
				8	Appeal against the examiner's decision
				91	<Intermediate decision> Decision on approval/disapproval of intervention
				93	Decision to dismiss amendment
				94	Decision of preservation of evidence
				95	Decision of approval/disapproval of taking over a case
				99	Others

(Note)

1. In a case where the proceedings for more than two oppositions to grant of patent filed for the same patent right are consolidated, 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 filed for the same patent right are examined separately, it is necessary to determine whether an opposition decision which is to be made later is filed against all of the claims remained at the time of rendering said decision, or filed against some of the claims remained at the time of rendering said decision.

2. Classification Under Types of Holdings (P — ( ) )

(1) Appeal against examiner's decision, Invalidation, Correction (Note), Opposition to grant of patent, Hantei (Advisory opinion)

Classification	Holdings
0	General proceedings (Appended table)
1	Patent Act Article 29 Requirements for patent
111	(1) (i) Novelty Publicly known
112	(1) (ii) Novelty Publicly worked
113	(1) (iii) Novelty Disclosed in a publication
121	(2) Inventive step
14	The body of Patent Act Article 29 Industrial applicability
15	Inventor • Applicant
151	Patent Act Article 38 Joint application
152	Patent Act Article 49 (vii) (Old (vi)) Application by a person who does not have the right to obtain the patent Application by a non-inventor, by a person who has not succeeded to the right to obtain the patent (filed on or before March 31, 2012)
	Patent Act Article 123 (1) (vi) Patent by a person who does not have the right to obtain the patent (filed on or before March 31, 2012) Patent by a non-inventor, by a person who has not succeeded to the right to obtain the patent
16	Secret Prior Art
161	Same invention
162	Same inventor
163	Same applicant
24	Patent Act Article 32 Public order, morality, public health
4	Patent Act Article 39 Prior application
5	Enjoyment of rights by foreign nationals, violation of treaty
51	Patent Act Article 25 Enjoyment of rights by foreign nationals
	Patent Act Article 49 (iii) Application in violation of any relevant treaty
	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
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	Patent Act Article 36 (6) (iv)	Improper description in formality of the claims
54	Patent Act Article 49 (vi) (Old (v))	New matter added into the original specification
	Patent Act Article 113 (v)	New matter added into the original specification
	Patent Act Article 123 (1) (v)	New matter added into the original specification
55	Patent Act Article 17-2(3)	Amendment adding new matters (including cases applying mutatis mutandis Patent Act Articles 113(i), 159(2), 174(1)(Old (2)))
56	Patent Act Article 53 (1)	Dismissal of amendment
561	Patent Act Article 17-2(3)	Dismissal of amendment due to addition of new matters (including cases applying mutatis mutandis Patent Act Articles 159(1), 174(1))
562	Patent Act Article 17-2(3)	Dismissal of amendment due to addition of new matters to translation document
57	Patent Act Article 17-2	Purpose of amendment
571	(5) (Old (4))(i)	Deletion of claims
572	(5) (Old (4))(ii)	Restriction of claims
573	(5) (Old (4))(iii)	Correction of clerical errors in claims
574	(5) (Old (4))(iv)	Clarification of unclear description in claims
575	(6) (Old (5))	Independent patent requirements
64	Old Patent Act Article 37	Unity of invention (until December 31, 2003)
641	(i)	Same subject
642	(ii)	Same main part
643	(iii)	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
644	(iv)	A product used for implementing an invention of process
645	(v)	Others stipulated under the Cabinet order
65	Patent Act Article 37	Unity of invention (filed on or after January 1, 2004)
7		Registration of an extension of the term



71	Patent Act Article 67-3(1)(i)	Necessity of Disposition
	Patent Act Article 125-2(1)(i)	Necessity of Disposition
831	Patent Act Article 123 (1) (viii)	Suitability for correction
832	Patent Act Article 126 (1)	Suitability for correction
	Patent Act Article 120-5 (2)	Suitability for correction
	Patent Act Article 134-2 (1) (Old Article 134(2))	Suitability for correction
841	Patent Act Article 126 (5) (Old (2)(3))	Correction for addition of new matter (including cases applying mutatis mutandis Patent Act Article 134-2(9) (Old Article 134-2(5), Old Article 134(5))
842	Patent Act Article 126 (5) (Old (2)(3))	Correction for addition of new matter to the original text (including cases applying mutatis mutandis Patent Act Article 134-2(9) (Old Article 134-2(5), Old Article 134(5))
851	Patent Act Article 126(1)(i)	Restriction of claims
	Patent Act Article 120-5(2)(i)	Restriction of claims
	Patent Act Article 134-2(1)(i)	Restriction of claims
	(Old Article 134(2)(i))	Restriction of claims
852	Patent Act Article 126(1)(ii)	Correction of clerical errors or erroneous translation
	Patent Act Article 120-5(2)(ii)	Correction of clerical errors or erroneous translation
	Patent Act Article 134-2(1)(ii)	Correction of clerical errors or erroneous translation
	(Old Article 134(2)(ii))	Correction of clerical errors or erroneous translation
853	Patent Act Article 126(1)(iii)	Clarification of unclear descriptions
	Patent Act Article 120-5(2)(iii)	Clarification of unclear descriptions
	Patent Act Article 134-2(1)(iii)	Clarification of unclear descriptions
	(Old Article 134(2)(ii))	Clarification of unclear descriptions

857	Patent Act Article 126(1)(iv) Patent Act Article 120-5(2)(iv) Patent Act Article 134-2(1)(iv) (Old Article 134(2)(iv))	Description of the claim that cites the description of other claims rewrites so as not to cite other claims “ “ “
854	Patent Act Article 126(6) (Old (3)(4))	Substantial enlargement of the claims (Patent Act Article 120-5(9), Patent Act Article 134-2(9) (including cases applying mutatis mutandis Old Article 134-2(5), Old Article 134(5))
855	“	Substantial alteration of the claims (“)
856	Patent Act Article 126(7) (Old (4)(5))	Independent patent requirement (“)

(Note)

In a case where a holding indicates “a patent is not granted independently when filing an application”., the classification number corresponding to the classification numbers 1 – 645 as well as 575 or 856 in this classification table shall be used.

## (2) Hantei (Advisory opinion)

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

## (3) Appended table (Sub-classification of general proceedings)

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

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

3. The First Auxiliary Classification (P . -  ( ))

Classification	The First Auxiliary Classification (Conclusion of trial and appeal decisions, etc.)					
	Invalidation • Invalidation for registration of extension of the term	Correction	Appeal against the examiner's decision	Hantei (Advisory opinion)	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 standard)			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 standard)			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. The case shall be refused based on a reason for			

WZB			<p>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	The First Auxiliary Classification (Conclusion of trial and appeal decisions, etc.)					
	Invalidation • Invalidation for registration of extension of the term	Correction	Appeal against the examiner's decision	Hantei (Advisory opinion)	Exclusion • Recusation, Approval/ disapproval for intervention	Opposition to grant of patent
X	Dismissal by a trial decision.	Dismissal by a trial decision	Dismissal by decision	Dismissal by decision (as applied mutatis mutandis pursuant to Patent Act Article 135)		Dismissal by a decision (as applied mutatis mutandis pursuant to Patent Act Article 135)
XX	Dismissal by decision	Dismissal by decision	Dismissal by decision	Dismissal by decision (as applied mutatis mutandis pursuant to Patent Act Article 133-2)	Dismissal by decision	Dismissal by a decision (as applied mutatis mutandis pursuant to Patent Act Article 133- 2)
XA	Correction is accepted. A request for trial is dismissed. (The claims demanded in the trial are all deleted by correction. )					Correction is accepted. A request is dismissed. (The claims requested in the trial are all deleted by the correction.)
Y	Do not invalidate.	Correctio n is accepted (fully accepted ).			Accept, Approve.	Maintain a patent.
YA	Correction is accepted. Do not invalidate. *1			Belong (a request is accepted).		

YAA	Correction is accepted (whole). Do not invalidate. *2					Correction is all accepted. Maintain a patent.
YAB	Correction is accepted (partial). Do not invalidate. *2					Correction is partially accepted. Maintain a patent.
YB	Correction is not accepted. Do not invalidate.			Belong (a request is not accepted).		Correction is not accepted. Maintain a patent.
YC		Correction is accepted (partial). *3				
Z	Invalidate (all requests are accepted).	Correction is not accepted.	Do not register for establishment of a patent.		Not accepted, Not approved.	Cancel a patent (all requests are accepted).
ZA	Correction is accepted. Invalidate (all requests are accepted). *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 accepted).		
ZAA	Correction is accepted (whole). Invalidate (all requests are accepted). *2					Allow all corrections. Cancel a patent (all requests are accepted).

ZAB	Correction is accepted (partial). Invalidate (all requests are accepted). *2					Correction is partially accepted. Cancel a patent (all requests are accepted).
ZB	Correction is not accepted. Invalidate (all requests are accepted).		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 accepted).		Correction is not accepted. Cancel a patent (all requests are accepted).
ZC	Invalidate (a request is partially accepted).					Cancel a patent (a request is partially accepted).
ZD	Correction is accepted. Invalidate (a request is partially accepted). *1					Allow correction. Cancel a patent (a request is partially approved).
ZDA	Correction is accepted. (whole). Invalidate (a request is partially accepted). *2					Correction is all accepted. Cancel a patent (a request is partially approved).
ZDB	Correction is accepted (partial). Invalidate (a request is partially accepted). *2					Correction is partially accepted. Cancel a patent (a request is partially approved).



ZE	Correction is accepted. Invalidate (a request is partially accepted).					Correction is not accepted. Cancel a patent (a request is partially accepted).
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\*1 Applied to a trial for invalidation filed on or before March 31, 2012.

\*2 Applied to a trial for invalidation filed on or after April 1, 2012.

\*3 Applied to a trial for correction filed on or after April 1, 2012.

(Revised December 2023)

**02—02.2 U**

**Classification Table for**

**Trial and Appeal Decisions: Utility Models**

**(Application filed on or after January 1, 1994)**

1. Classification Under Types of Cases (U    . - (    ))

First digit (Types of industrial property rights)		Second digit (Types of instances)		Third – Fifth digits (Types of trials/appeals, etc.)	
U	Utility Model	1	Trial/Appeal (including Hantei (Advisory Opinion))	111	<Invalidation> All invalidated (Demanded on or before 2003)
		5	Retrial	114	All invalidated
				121	Partially invalidated (Demanded on or before 2003)
		9	Others	124	Partially invalidated
				2	Hantei (Advisory Opinion)
				<Exclusion • Recusation>	
				51	Exclusion
				52	Recusation
				8	Appel against the examiner's decision of refusal
				<Interlocutory decision>	
				91	Decision of approval/disapproval of intervention

				94	Decision of preservation of evidence
				95	Decision of approval/disapproval of succession

2. Classification Under Types of Holdings (U .  - ( ))

## (1) Invalidation of registration

Classification	Holdings
0	General proceedings (Appended table)
1	Utility Model Act Article 3 Requirements for registration
111	(1)(i) Publicly known
112	(1)(ii) Publicly worked
113	(1)(iii) Disclosed in a publication
121	(2) Inventive step
13	The body of (1) Articles
14	The body of (1) Industrial applicability
15	Inventor • Applicant
151	Utility Model Act Article 11 Joint application
152	Utility Model Act Article 37
	(1) (v) Application by a person who does not have a right to receive a Utility Model registration Application by non-inventor, a person who has not succeeded to the right
16	Utility Model Act Article 3-2 Secret prior art
161	Same device
162	Same inventor
163	Same applicant
2	Utility Model Act Article 4 Device which cannot be registered
24	“ Public order, morality, public health
4	Utility Model Act Article 7 Prior application

5	Utility Model Act Article 2-5	Enjoyment of rights by foreign nationals
51	(3)	
	Utility Model Act Article 37	Utility model registration in violation
	(1)(iii)	of any relevant treaty
	Utility Model Act Article	Violation of any relevant treaty after
	37 (1)(vi)	registration
531	Utility Model Act Article 5(4)	Improper description of details
		description of the invention (until June
		30, 1995)
534	Utility Model Act Article 5(5)	Improper description in formality of the
	(i)(ii), (6)	claims (until June 30, 1995)
535	Utility Model Act Article 5(5)	Improper description in formality of the
	(iii), (6)	claim (until June 30, 1995)
536	Utility Model Act Article 5(4)	Improper description of details
		description of the invention (until June
		30, 1995)
537	Utility Model Act Article 5(6)	Improper description of the claims
	(i)(ii)(iii)	
538	Utility Model Act Article 5(6)	Improper description in formality of the
	(iv)	claims
556	Utility Model Act Article 2-2(2)	Amendment to add new matters

## (2) Hantei (Advisory opinion)

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

## (3) Appended table (Sub-classification of general proceedings)

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 or an example of classification for general proceedings (→ 02-03 IV)

3. The First Auxiliary Classification (U . - ☐ ( ))

Classif ication	The First Auxiliary Classification (Conclusion of trial/appeal decisions, etc.).		
	Invalidation	Hantei (Advisory opinion)	Exclusion • Recusation, Approval/ disapproval of intervention
X	Dismissal by a trial decision	Dismissal of Hantei (Advisory opinion) (Article 135)	Dismissal by decision
XX	Dismissal by decision	Dismissal by decision (Article 133)	
XA	Necessary for correction Dismissal of a request for a trial (delete all claims under dispute by correction)		
Y	Do not invalidate		Approve, Permit
YA	Necessary for correction Do not invalidate	Belong (a request is accepted)	
YB		Belong (a request is not accepted)	
Z	Invalidate (all requests are approved)		Do not approve, Do not permit
ZA	Necessary for correction Invalidate (all requests	Do not belong (a request is accepted)	

ZB			
ZC	Invalidate (A request is partially accepted)	Do not belong (a request is not	
ZD	Necessary for correction Invalidate (A request is partially accepted)	accepted)	

(Revised December 2023)



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

1. Classification Under Types of Cases (D    . - (    ) )

First digit (Types of industrial property rights)		Second digit (Types of instances)		Third – Fifth digits (Types of trials/appeals, etc.)	
D	Design	1	Trial/Appeal	11	<Invalidation> Invalidation (filed on or before 2003)
		5	Retrial	113	Invalidation
				2	Hantei (Advisory opinion)
		9	Others		<Exclusion • Recusation>
				51	Exclusion
				52	Recusation
				7	Appeal against the examiner's decision to dismiss amendment
				8	Appeal against the examiner's decision
				91	<Interlocutory decision> Decision of approval/disapproval of intervention
				93	Decision of dismissal of an amendment
				94	Decision of prevention of evidence
				95	Decision of approval/disapproval of succession

2. Classification Under Types of Holdings (D .  - ( ))  
 (1) Invalidation, Appeal against the examiner's decision

Classification	Holdings
0	General proceedings (Appended table)
1	Design Act Article 3 Requirements for registration
11	“ New
111	“(1)(i) Publicly-known (including similarity)
113	“(1)(ii) Disclosed in publication
12	“ Creation
121	“(2) Easily be created
13	“ the body of (1) Articles
14	“ Industrial applicability
15	Design Act Article 15 Joint application (→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 Requirements for registration(partial)
2	Design Act Article 5 Design which cannot be registered
24	“ (i) Public order, morality
25	“ (ii) Confusion with an article
26	“ (iii) Shape indispensable for functions
3	Design Act Article 10 Related designs (including similar designs)
4	Design Act Article 9 Prior application
5	Others
51	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
52	Design Act Article 48(1)(iv) Violation of any relevant treaty after registration
6	Design Act Article 7 One application per design
62	Design Act Article 8 Design for a set of articles Design Act Article 8-2 Design for interiors

## (2) Hantei (Advisory opinion)

Classification	Holdings
0	General Proceedings (Appended table)
1	Same • Similar
9	Others

## (3) Appeal against examiner's decision to dismiss amendment, Decision to dismiss amendment

Classification	Holdings
0	General Proceedings (Appended table)
12	Drawings (including description of design) Articles (including description of articles)

## (4) Appended table (sub-classification of general proceedings)

Classification	Holdings
0	General Proceedings
01	Indication of request, Request
02	Interest, Eligibility 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. The First Auxiliary Classification (D . —  ( ) )

Class ificat ion	The First Auxiliary Classification (Conclusion of trial and appeal decisions, etc.)				
	Invalidation	Appeal against the examiner's decision	Appeal against the examiner's decision to dismiss amendme nt	Hantei (Advisory opinion)	Exclusion • Recusation, Approval/disappr oval 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 Hantei (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)	

(Revised December 2023)

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

1. Classification Under Types of Cases (T    . - (    ))

First digit (Types of industrial rights)		Second digit (Types of instances)		Third-Fifth digits (Types of trials/appeals, etc.)	
T	Trade mark	1	Trial/Appeal		<Invalidation>
				11	Whole Invalidation
		5	Retrial	12	Partial invalidation
				13	Invalidation for renewal registration (whole) (before the revision of the Act of 1996)
		9	Others	14	Invalidation for renewal registration (partial) (before the revision of the Act of 1996)
				17	Invalidation for reclassification of trademark registration (whole)
				18	Invalidation for reclassification of trademark registration (partial)
				2	Hantei (Advisory opinion)
					<Rescission>
				31	Whole rescission

				32	Partial rescission
					<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 to dismiss amendment
				8	Appeal against the examiner's decision
				81	Appeal again the examiner's decision of reclassification of trademark registration
					<Interlocutory decision>
				91	Decision of approval/disapproval of intervention
				92	Decision on opposition to registration of trademark (before the revision of the Act of 1996)
				93	Decision on dismissal of an amendment
				94	Decision on preservation of evidence
				95	Decision on approval/disapproval of succession

## 2. Classification Under Types of Holdings (T . - ( ))

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

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
	Article 4(1)(i) National flags, imperial chrysanthemum crests, medals, etc.
21	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.
	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.



	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 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 (before the revision of the Act of 2011) has not been passed after extinguished
25	TM Act Article 4(1)(x) general	Well known trademark
251	TM Act Article 4(1)(x)	Similar in appearance
252	TM Act Article 4(1)(x)	Similar in appellation
253	TM Act Article 4(1)(x)	Similar in concept
254	TM Act Article 4(1)(x)	Similarity of goods (services)
255	TM Act Article 4(1)(x)	Publicizing trademark
26	TM Act Article 4(1)(xi) general	Registered trademark of another person
261	TM Act Article 4(1)(xi)	Similar in appearance
262	TM Act Article 4(1)(xi)	Similar in appellation
263	TM Act Article 4(1)(xi)	Similar in concept
264	TM Act Article 4(1)(xi)	Similarity of goods (services)
265	TM Act Article 4(1)(xi)	Similarity of goods and services
27	TM Act Article 4(1)(xi) general	Misidentification and confusion, general
271	TM Act Article 4(1)(xv)	Confusion as to origin of goods
272	TM Act Article 4(xvi)	Misidentification of quality
28	TM Act Article 4(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 the trademark was rescinded due to malicious use
	TM Act Article 53(2)	Re-registration of a trademark once the trademark was rescinded due to unauthorized use of 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) (before the revision of the Act of 1996)	Renewal registration
71	TM Act Article 21(1)(i) (before the revision of the Act of 1996)	Grounds for un-registrability for public
72	TM Act Article 21(1)(ii) (before the revision of the Act of 1996)	Non-use of a registered trademark
73	TM Act Article 21(1)(iii) (before the revision of the Act of 1996)	Filing an application by a non-right holder
73	Supplementary Provisions of	Renewal of overlapped registration of services
74	TM Act Article 13 (the Act of 1996)	
	Same as above Act Article 17 Act of 1996)	Invalidation for renewal of overlapped registration of services
8	TM Act Article 64	Defensive marks
81	“	Identification of the marks
82	“	Confusion of the goods (services)

83	“	Filing an application by a non-trademark holder
84	“	Violation of a treaty
9		Others
91	TM Act Article 6	One trademark per application
92	TM Act Article 15(1)(iv) (before the revision of 1996)	Filing an application by an agency or representative of a non-legitimate trademark holder representative
93	Supplementary Provisions of TM Act Article 6(1) (The Act of 1991)	Application of special provisions based on use
941	TM Act Article 4 (1)(xviii), etc.	Three-dimensional trademarks
942	TM Act Article 7-2	Regional collective trademarks
945	Supplementary Provisions of TM Act Article 8 (1) (The Act of 2006)	Application of special provisions based on use of retail trademarks (from April 1. 2007)
95	Supplementary Provisions of TM Act Article 6 (The Act of 1959)	Registration for reclassification of trademark registration
951	Supplementary Provisions of TM Act Article 6(1) (The Act of 1959)	Requirements of Supplementary Provisions of TM Act Article 4(1)
952	Supplementary Provisions of TM Act Article 6(2) (The Act of 1959)	Request by a non-trademark holder

## (2) Rescission

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

## (3) Hantei (Advisory opinion)

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

## (4) Appeal against examiner's decision to dismiss amendment, Decision to dismiss amendment

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

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

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	
07	
08	Evidence
081	Prohibition of double jeopardy
082	Finding of gist
09	Rights
091	Not rights
092	Others
	Intervention
	Opposition

3. The First Auxiliary Classification (T . -  ( ))

Class ificat ion	The First Auxiliary Classification (Conclusion of trial and appeal decisions, etc.)						
	Invalidation Rescission	Appeal against the examiner's decision	Appeal against the examiner's decision to dismiss amendme nt	Hantei (Advisory opinion)	Exclusion • Recusation Approve/Dis approve of Intervention	Pre- grant oppositi on	Post-grant opposition
	W	Reverse and remand	Rescind				
	WY	Reverse 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 decision( Article 135)			Dismissal of the request
	XX	Dismissal by the decision	Dismissal by the decision	Dismissal by decision( Article 133)	Dismissal by decision	Dismiss al of the request	Dismissal of the written request
	Y				Approve, Permit		Maintain the registration
	YA			Belong (the request is accepted)			
	YB			Belong (the request is			

	Z	Do not register	Do not rescind	not accepted)	Do not approve, do not permit		Rescission of the registration (the requests are all rescinded)
	ZA			Do not belong (the request is accepted)			
	ZB			Do not belong (the request is not accepted)			
	ZC						Rescission of the registration (partially rescinded, partially maintain)

(Revised December 2023)



## 02—02.5 PUDT

### Classification Table for Court Decisions

1. Classification under the types of cases (  . - (     ) )

First digit (Types of Industrial Property Rights))		Second digit (Types of instances)		Third-Fifth digits (Types of lawsuits)	
P	Patent	3	Appeal to the High	X	Trail/appeal decision and a
U	Utility Model		Court		lawsuit rescinding the
D	Design	4	Appeal to the		decision (Note)
T	Trademark		Supreme Court (a		
E	Others		final appeal)		
		7	Appeal to the	0	Lawsuit (Note)
			District Court	01	Ordinary lawsuit
				02	Administrative lawsuit (excluding rescission of a trial decision, etc.)
				03	Provisional injunction
				04	Retrial
				09	Others

(Note) The third – fifth digits of a court decision on a suit rescinding a trial decision or a decision are classified by using the third-fifth digits (Types of trials/appeals) of the applicable classification of that of trial decision (→02-02.1 ~ 02.5 1.).

Classification under holdings of a court decision on a suit rescinding a trial decision is classified by using the applicable classification of that of trial decision(→02-02.1 ~ 02.5 2.).

[Example: A court decision to maintain a trial decision to invalidate the entire patent]

## P3112.121-ZZ (G11B)

2. Classification Under Holdings (Note 1) (  - ( ) )

Ordinary lawsuit, Provisional injunction, Retrial		Administrative lawsuit	
Classification	Holdings	Classification	Holdings
X	General proceedings (Note 2)	X	General proceedings (Note 2)
1	Scope 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	Confirmation of illegality of omission
2	Prior Use	9	Others
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		

(Note 1) Classification by holdings of a court decision on a suit against a trial (appeal) decision is classified by using the applicable classification of that of trial/appeal (→02-02.1 ~ 02.5 2.).

(Note 2) Sub-classification of proceedings in general are classified by using the applicable classification of that of trial/appeal (→02-02.1 ~ 02.5 2. Appended table

### 3. The First Auxiliary Classification ( . ( ) )

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

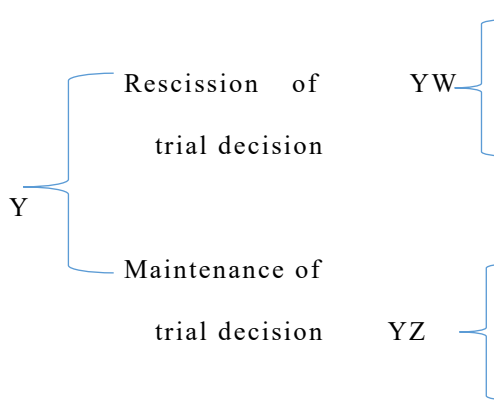
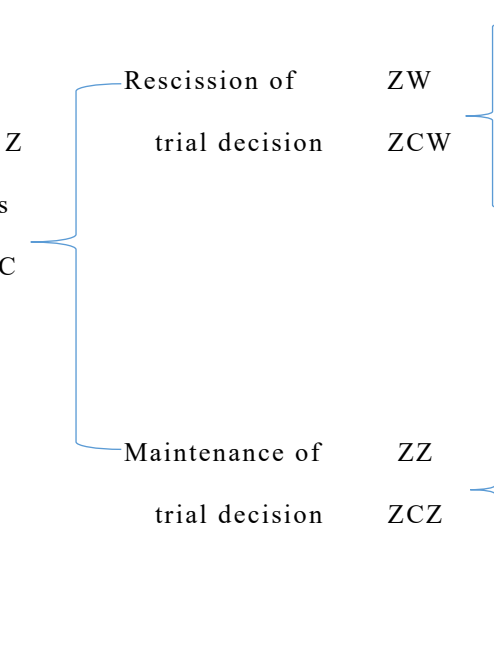
(1) The first auxiliary classification related to a suit rescinding a trial/appeal decision, etc.

a. An example for a court decision on a suit rescinding an ex-parte appeal decision or a decision

Appeal Decision	High Court’s Decision	Supreme Court’s Decision
Disapproving a request	Z WZ	Rescission of original court decision ZWW WZWW
		Maintenance of original court decision ZWZ WZZW
	Z WZ	Rescission of original court decision ZZW WZZW
		Maintenance of original court decision ZZZ WZZZ
	Z WZ	Rescission of original court decision ZWW WZWW
		Maintenance of original court decision ZWZ WZZW

(Note) A trial decision may be other than Z or WZ (→02-02 1, 02.3, 02.4 3. Classification tables).

b. Examples for a court decision or a decision on a suit rescinding inter-partes trial decision or a trial decision for correction

Trial Decision	High Court's Decision <sup>*</sup> Decision (Note)	Supreme Court's Decision
Not invalidate Allow corrections Not rescind		Rescission of original court decision YWW Maintenance of original court decision YWZ Rescission of original court decision YZW Maintenance of original court decision YZZ
Invalidate Rescind Not allow corrections Invalid in part Rescind in part		Rescission of original court decision ZWW Maintenance of original court decision ZCWW Rescission of original court decision ZWZ Maintenance of original court decision ZCWZ Rescission of original court decision ZZW Maintenance of original court decision ZCZW Rescission of original court decision ZZZ Maintenance of original court decision ZCZZ

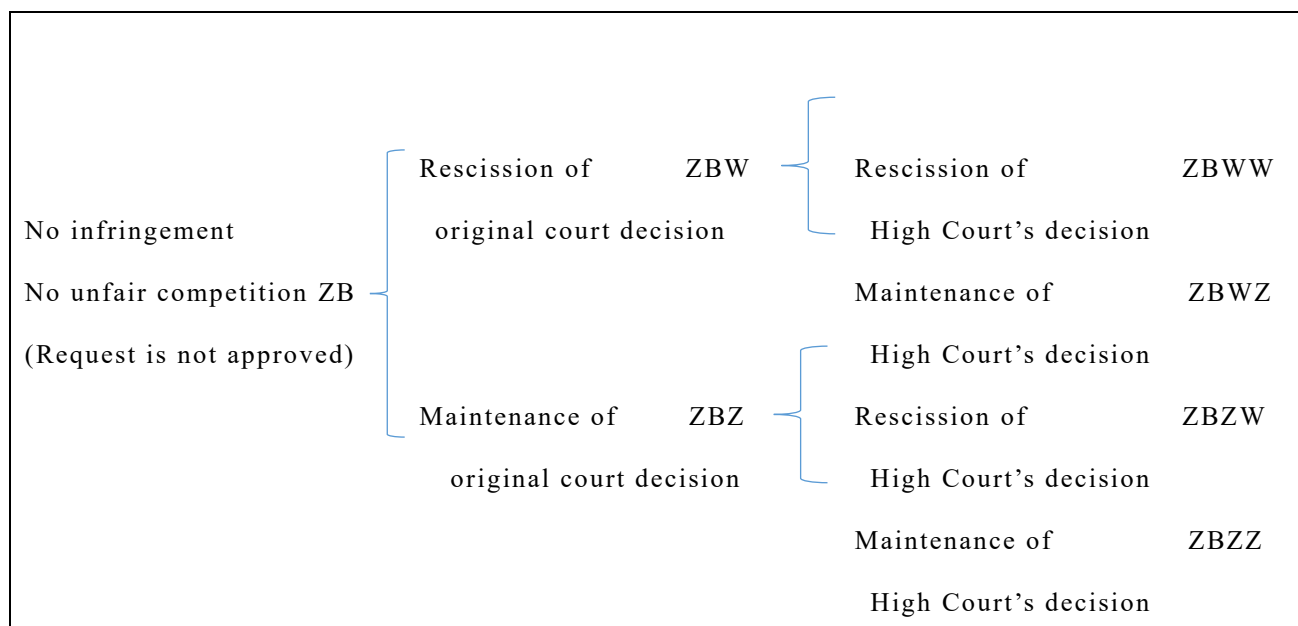
(Note) With respect to rescind a trial decision by a decision of remand pursuant to the 2003 Act on Partial Revision of the Patent Act, Article 181(2), “V” is added to a code of conclusion of a trial decision, and makes the code such as YV, ZV, ZCV.

A trial decision may be other than Y, Z or ZC (→02.-02 1. ~ 02.4 3. Classification tables).



(2) The first auxiliary classification of Ordinary lawsuit, Provisional injunction, Retrial court decision

District Court's Decision	High Court's Decision	Supreme Court's Decision
Infringement Unfair competition   YA (Request is approved)	Rescission of       YAW original court decision	Rescission of       YAWW High Court's decision
		Maintenance of     YAWZ High Court's decision
	Maintenance of     YAZ original court decision	Rescission of       YAZW High Court's decision
		Maintenance of     YAZZ High Court's decision
Infringement Unfair competition   YB (Request is not approved)	Rescission of       YBW original court decision	Rescission of       YBWW High Court's decision
		Maintenance of     YBWZ High Court's decision
	Maintenance of     YBZ original court decision	Rescission of       YBZW High court's decision
		Maintenance of     YBZZ High court's decision
No infringement No unfair competition ZA (Request is approved)	Rescission of       ZAW original court decision	Rescission of       ZAWW High court's decision
		Maintenance of     ZAWZ High court's decision
	Maintenance of     ZAZ original court decision	Rescission of       ZAZW High court's decision
		Maintenance of     ZAZZ High court's decision



(3) The first auxiliary classification of a court decision on an administrative case litigation

(The first auxiliary classification related to a suit rescinding a trial/appeal decision

→3. (1)a, b)

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

(Revised December 2023)



## 02—03 PUDT

### Guideline for Designating Trial and Appeal Decision Classification and Court Decision Classification

#### I. General

1. When multiple “classifications under types of holdings” are provided as a trial and appeal decision classification or a court decision classification of a trial and appeal decision, an opposition decision, a court decision, etc. (hereinafter simply referred to as “a trial and appeal decision, etc.”), a main part is classified into a main classification and a part other than the main part is classified into a subclassification.

A subclassification shall be written under the main classification of the “classification under types of holdings” with the periods aligned as below.

(Example 1) P1651.113-Z (H04N) ..... main classification

.02 ..... subclassification

(Example 2) D1113.121-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 classification.

(Note 1) When matters to be classified fall under both upper and lower classifications, only lower classification should be provided (not provided with the upper classification).

(Note 2) When matters to be classified exist more than one, and among these matters, there are matters fall under both upper and lower classifications while other matters fall under only the upper classification (not the lower classification), these lower classification and upper classification shall be written down together.

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

## II. Classification of Trial and Appeal Decisions

### 1. Notes when providing the classification under various interlocutory decisions

(1) A decision of dismissal of amendment does not include the first auxiliary classification (conclusion).

(Example 1) T193.1-(103)

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

(2) A decision on approval/disapproval of intervention and of succession does not include the classification under types of holdings.

A trial decision of the case where a decision on approval/disapproval of intervention is made, an appended table of 091 (→02-02.1 ~02.4 Appended tables (subclassification of proceedings in general)) is written together as a subclassification.

(Example) D191. -Z .....Decision on approve/disapprove of intervention

D111.11-Z(117)....Trial decision on a case where approve/disapprove  
of intervention is made

.091

Classification of trial decisions and decisions provided in making various decisions stated above are shown in the following table.

Types of decisions	Examples of the classification according to trial 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 .091
Trial decision of the case where a decision on approval/disapproval of	Decision..... D1113.11 -Z (17) .091

intervention	
Decision on approval/disapproval of succession	Decision..... D195. -Z

2. When, in an ex parte appeal, an appeal decision may not support a reason for refusal of the original decision, but when a request for appeal may not be approved based on a reason for refusal in the appeal of this case or in the reconsideration by the examiner before appeal, or other reasons for refusal in the prior examination, WZ should be written as a classification of conclusion.

3. A decision of exclusion or recusation does not include the classification under types of holdings.

(Example) U151.-Y(D04H)

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

(Examples)

P1113.111 – Z (C07D) Approval of a request for a trial for full invalidation

P1123.111 – Z (C07D) Approval of a request for a trial for partial invalidation

P1113.111 – ZC (C07D) Partial approval of a request for a trial for full  
invalidation

P1123.111 – 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 revocation

T132.1 – Z (4) Approval of a request for a trial for partial revocation

T131.1 – ZC (4) Partial approval of a request for a trial for full  
revocation

T132.1 – ZC (4) Partial approval of a request for a trial for partial  
revocation

5. When providing the “classification under types of holdings” of the requirements for independent patentability (575 or 856), matters determined by the requirements for independent patentability (for example, 121 for inventive step. If more than one, all major ones) are listed just below the classification (→02-02.1 2.(1) (Note)) (→9. (1) A~C, E, 9. (3)).

#### 6. Notes for Hantei (advisory opinion)

(1) “Use” described in “holdings” of Hantei (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 Hantei (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 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)

7. The classification of “types of level of instance” for a trial decision in a “retrial case” is designated as 5 (→02-02.1 ~ 02.4 1).

(Example) U5112.01-X (B01J)

8. A chief administrative judge checks the trial and appeal decision classification or the court decision classification that is designated by an administrative judge.

#### 9. Examples of using the classification of trial and appeal decisions

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

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

(A) the appeal is filed against the decision of dismissal of amendment made in the prior examination, and the present appeal examination supports this decision 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 the amendment is legal;

(B) it is determined that the patent should not be refused based on the reasons for refusal made in the prior examination (the Patent Act Article 29 (1) (iii)); and

(C) an appeal decision is rendered that the decision of refusal is maintained based on a reason for refusal in the present examination(the Patent Act Article 29(2)).

P18.121-WZB

.575

.121

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

(A) it is determined that the patent should not be refused based on the reasons for refusal (the Patent Act Article 29-2) in the prior examination;

(B) another reason for refusal (Final, the Patent Act Article 29(1)(iii)) is notified in the present examination; and

(C) an amendment is filed, however, an appeal decision is made to the effect that the 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 a decision is made to dismiss the amendment.

P18.113-WZ

.575

.121

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

(A) an appeal is filed against the decision of dismissal of amendment made in the prior examination, and the present appeal examination supports this decision 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 the amendment is legal;

(B) it is determined that the patent should not be refused based on the reasons for refusal (the Patent Act Article 29-2) in the prior examination;

(C) an amendment is submitted in response to another notification of reasons for refusal (Final, the Patent Act Article 29(1)(iii)) made in the present appeal examination. However, an appeal decision is made to the effect that the request is not approved since said amendment introduces a new matter, 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 examiner's decision of refusal,

(A) an appeal is filed against the decision of dismissal of amendment in the prior examination;

(B) the present examination supports this decision to the effect that the amendment introduces a new matter, and therefore it is determined that the dismissal of the amendment is legal; and

(C) an appeal decision is rendered that the decision of refusal is maintained based on the reasons for refusal in the prior examination (the Patent Act Article 29(2)).

P18.121-WZB

.561

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

(A) an appeal is filed against the decision of dismissal of amendment made in the prior examination, and the present appeal examination admits an error in the decision where the patent after amendment cannot be granted independently pursuant to the Patent Act Article 29(2). Therefore it is determined that the dismissal of the amendment is illegal;

(B) it is determined that the invention which was dismissed after amendment should not be rejected based on the reasons for refusal in the prior examination (the Patent Act Article 29(2)); and

(B) an appeal decision is rendered that the 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

10. In the case of 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. Classification of Court Decisions

1. When two or more conclusions exist in a court decision, a classification of each conclusion is described together.

2. Classification of “Types of court trials” and “Holdings” in court decisions regarding a suit rescinding a trial decision follows those in 02-02(P • U), 02-02(D) and 02-02(T).

3. Classification of “Types of trials” in court decisions regarding administrative litigations other than a suit rescinding a trial decision is designated as 02.

(Example) P 702.11 – Z (C08L)

4. The first auxiliary classification (Conclusion) of a court decision is described just after that of the prior trial (court) decision. In this case, parentheses are needed for the first auxiliary classification of a court decision, a trial decision or a decision of a “Retrial case”.

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

(High Court’s decision in a lawsuit against a trial decision of a retrial case)

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

(High Court’s decision in a retrial case against a final and binding court decision on a suit rescinding a trial decision)

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

(Supreme Court’s decision in a final appeal case against High Court’s decision of Example 2)

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

(District Court’s decision in a retrial case against a final and binding court decision on a patent infringement suit)

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

(High Court’s decision on an appeal case against District Court’s 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 those relating to the Copyright, the Unfair Competition Prevention Law), the classification of “Types of industrial property rights, etc.” is designated as E (→02-02.5 1.).



## IV. Definition or Example of Classification 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 Hantei (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 Hantei (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 evidence, procedures for examination of evidence; 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
082	Not rights	Pending, or finding of gist of subject article in dispute (Object A)	

			described in the claims
09	Others	Holdings not classified as 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 2023)