

21—05 PUDT

Handling of Errors in Indication of Either Application Number or Registration Number

When an application number or a registration number (a patent number, etc.) has an error in its indication, a chief administrative judge shall confirm, in principle, an intention of a demandant by inquiry, etc. and take any one of the following measures.

A chief administrative judge shall order amendment when he/she considers the entire documents comprehensively and infers a clerical error from them (Patent Act Articles 133(1), 120-8(1), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 43-15(1), 56(1), 68(4)).

1. When a written amendment is submitted

(1) When an amendment is not approved

When an amendment of an error of an application number or a registration number indicated in a written demand for trial/an opposition to grant of patent (an opposition to registration of trademark) changes the gist of the written demand/an opposition to grant of patent (an opposition to registration of trademark) (→ 30-01), such demand or petition shall be dismissed by trial decision/decision (Patent Act Article 135, Patent Act Article 120-8(1), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 43-15(1), 56(1), 68(4)).

(2) When an amendment is approved

When an amendment of an error of an application number or a registration number indicated in a written demand for trial/an opposition to grant of patent (an opposition to registration of trademark) does not change the gist

of the written demand/an opposition to grant of patent (an opposition to registration of trademark) in such cases where the error is merely a clerical error, such amendment is approved.

2. When there is no response

When there is no response or no submission of a written amendment from a demandant, etc. to an inquiry, etc., such demand/petition shall be dismissed by trial decision/decision (Patent Act Article 135, Patent Act Article 120-8(1), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 43-15(1), 56(1), 68(4)).

(Revised February 2015)