

25—01.3 P U D T

List of Important Time Limits (2)

(Trial for Invalidation, Trial for Correction, Trial for Rescission)

(Patents (Trial for invalidation, Trial for Correction))

Procedure	Legal provisions on which the procedure is based (application mutatis mutandis · similar laws/regulations)	Initial date	Time limit (extension)		Remarks
			Domestic resident	Overseas resident	
【 Legal period 】					
Amendment of specification · claims · drawings attached to a trial for correction	Patent Act Article 17-4(2)	Time of demanding a trial for correction	Before arriving a notice of conclusion of trial proceedings (In case of reopen the proceedings, before arriving a notice of conclusion of trial proceedings after reopening)		

Request for correction after the decision to reverse the trial decision becomes final and conclusive	Patent Act Article 134-3 (2003) Article 134-3(1)		Fixed date of the decision	1 week	1 week	
Request for retrial	Patent Act Article 173(1)		Date known the reasons for retrial after the decision is becomes final and conclusive	30 days (15 days extension by ex officio)*	30 days (60 days extension by ex officio)	
Action against the trial decision	Patent Act Article 178(3)		Date of service of a transcript of a trial decision	30 days (15 days additional time frame)*	30 days (90 days additional time frame)	
【 Designated time limit, etc.】						
Filing a request for correction	Patent Act Articles	Patent Act Article	Dispatching date of an invitation to reply	60 days or 75 days* Utility Model : 30 days or 45 days*	90 days Utility Model : 60 days	

	134- 2(2)	134(1)	(An invitation to reply after the second time or more by re-applying 134(1) is same as 134(2))			
		Article 164-2(2)	Service date of a transcript of a trial decision	60 days or 75 days*	90 days	
		Articles 134(2) 153(2)	Dispatching date of an invitation to reply Dispatching date of a notice of reasons for invalidation	30 days or 45 days*	50 days	
Filing a request for correction at the commencement of the re-pending		Article 134-3	Dispatching date of a notice of designated time	10 days or 25 days*	10 days	

proceedings due to rescission of the trial decision		(2003) Article 134-3(1) (2)	limit for a request for correction			
Amendment for specification, claims, drawings attached to the request for correction	Patent Act Articles 17-4(1)	Patent Act Articles 134(1) 164-2(2)	<ul style="list-style-type: none"> • Dispatching date of an invitation to reply (An invitation to reply after the second time or more by re-applying 134(1) is same as 134(2)) • Date of service of a transcript of the advance notice of trial decision 	60 days or 75 days*	90 days	

		Patent Act Articles 134(2) 153(2) 134-2(5)	<ul style="list-style-type: none"> • Dispatching date of an invitation to reply • Dispatching date of a notice of reasons for invalidation • Dispatching date of a notice of reasons for refusal of correction 	30 days or 45 days*	50 days	
Amendment for specification, claims, drawings attached to the request for correction (contd.)	Patent Act Article 17-4(1)	Patent Act Article 134-3 (2003) Article 134-3(1)	Dispatching date of a notice of designation time limit for a request for correction	10 days or 25 days*	10 days	

	(2)				
Filing a first statutory reply	Patent Act Articles 134(1).174(3)	Dispatching date of an invitation to reply	60 days or 75 days* Utility Model: 30 days or 45 days*	90 days Utility Model: 60 days	
Filing a statutory reply after the second time when an amendment changing the gist of reasons for request is approved and decided	Patent Act Article 134(2)	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	
Filing a written reply under Enforcement Regulations of the Act	Enforcement Regulations of the Patent Act Article 47-2(1) Enforcement Regulations of the	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	

	Patent Act Article 50-16				
Filing a reply by re-applying the regulations of an opportunity of a first statutory reply	Patent Act Article 134(1)	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	
Filing a written refutation	Enforcement Regulations of the Patent Act Article 47-3(1) Enforcement Regulations of the Patent Act Article 50-16	Dispatching date of an invitation for refutation	30 days or 45 days*	50 days	
Filing a written opinion (statement of opinion)	Patent Act Articles 153(2), 134-2(5), 165	• Dispatching date of a notice of reasons for invalidation	30 days or 45 days*	50 days	

		<ul style="list-style-type: none"> • Dispatching date of a notice of reasons for refusal for correction 			
	Patent Act Articles 150(5), 174(3)(4)	Dispatching date of a notice of results of investigation of evidence or preservation of evidence	30 days or 45 days*	50 days	
Filing a statement of a request for intervention	Patent Act Articles 149(2), 174(3)	Dispatching date of a notice of service of a duplicate of a request for intervention	15 days or 30 days*	25 days	
Filing a written reply to an inquiry	Patent Act Articles 134(4) 174(3)(4)	Dispatching date of an inquiry	About 15 days or 30 days*	About 25 days	

Order for formalities amendment	Patent Act Articles 133(1)(2) 174(3)(4)	Dispatching date of an order a. Insufficient payment of fees b. Insufficient Power of Attorney (2 or more principals or agents) c. Violation of description requirements of reasons for a request for trial, the gist of and reasons for a request for correction d. Other formality violation	10 days or 25 days* 10 days or 25 days* (20 days or 35 days*) 30 days or 45 days* 20 days or 35 days*	10 days 20 days 30 days 30 days 20 days	
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Written explanation	Patent Act Articles 133-2(2), 174(3)(4)	Dispatching date of a notice of reasons for dismissal	20 days	20 days	
Filing a written reply for consent	Patent Act Articles 131-2(2), Enforcement Regulations of the Patent Act Article 47-4(1)	Dispatching date of a notice of confirmation of consent	10 days or 25 days*	10 days	
Time limit of succession by order	Patent Act Article 23(1)	Dispatching date of an order of succession	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	

Other procedures regulated in Enforcement Regulations of the Patent Act	Enforcement Regulations of the proviso to the Patent Act Article 50(3), Article 50-8(1), the proviso to Article 58-2(1), Enforcement Regulations of the Patent Act Articles 58-17, 60(1) , etc.	Dispatching date of a notice, etc.	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Filing a receipt of registered mail, etc.	Patent Act Articles 134(4), 174(3)(4)	Dispatching date of a notice of request for submission of articles	10 days	10 days	

Note 1. * is for those reside in remote areas or areas with transportation difficulty

(Design, Trademark (Trial for invalidation, Trial for Rescission))

Procedure	Legal provisions on which the procedure is based (application mutatis mutandis · similar laws/regulations)	Initial date	Time limit (extension)		Remarks
			Domestic resident	Overseas resident	
【 Legal period 】					
Request for retrial	Design Act Article 58(1), Trademark Act Articles 61, 68(5), Supplementary Provisions of the Trademark Act Article 20	Date known the reasons for retrial after the decision becomes final and conclusive	30 days (15 day extension by ex officio)*	30 days (60 day extension by ex officio)	
Proceedings against the trial decision	Design Act Article 59, Trademark Act Articles 63, 68-5,	Date of service of a transcript of a trial decision, etc.	30 days (15 days additional time frame)*	30 days (90 days additional time frame)	

	Supplementary Provisions of the Trademark Act Article 22(2)				
【 Designated time limit, etc.】					
Filing a first statutory reply	Design Act Articles 52, 58(4), Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Dispatching date of an invitation to reply	40 days or 55 days*	70 days	
Filing a statutory reply after the second time when an amendment	Design Act Article 52	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	

changing the gist of reasons for a request of correction is approved and decided					
Filing a written reply under Enforcement Regulations of the Acts	Enforcement Regulations of the Design Act Article 19(6) Enforcement Regulations of the Trademark Act Article 22(8)	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	
Filing a reply by re-applying the regulations of an opportunity for a first statutory reply	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary	Dispatching date of an invitation to reply	30 days or 45 days*	50 days	

	Provisions of the Trademark Act Articles 17(1), 20				
Filing a written refutation	Enforcement Regulations of the Design Act Article 19(4) Enforcement Regulations of the Trademark Act Article 22(8)	Dispatching date of an invitation for refutation	30 days or 45 days*	50 days	
Filing a written opinion (statement of opinion)	Design Act Article 52, Trademark Act Articles 56(1), 68(4), Supplementary Provisions of the Trademark Act Article 17(1)	<ul style="list-style-type: none"> • Dispatching date of a notice of reasons for invalidation • Dispatching date of a notice of results of 	30 days or 45 days*	50 days	

		proceedings by ex officio			
	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Dispatching date of a notice of results of investigation of evidence or preservation of evidence	30 days or 45 days*	50 days	
Filing a statement of a request for intervention	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Provisions of the Trademark Act Articles 17(1), 20	Dispatching date of a notice of service of a duplicate of a request for intervention	15 days or 30 days*	25 days	

Filing a written reply to an inquiry	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Provisions of the Trademark Act Articles 17(1), 20	Dispatching date of an inquiry	About 15 days or 30 days*	About 25 days	
Order for formalities amendment	Design Act Article 52, Trademark Act Articles 56(1), 61, 68(4)(5), Supplementary Provisions of the Trademark Act Articles 17(1), 20	Dispatching date of an order a. Insufficient payment of fees b. Insufficient Power of Attorney (2 or more principals or agents) c. Other formality violation	10 days or 25 days* 10 days or 25 days* (20 days or 35 days*) 20 days or 35 days*	10 days 20 days 30 days 20 days	

	Design Act Article 52	<ul style="list-style-type: none"> • Dispatching date of an invitation • Violation of description requirements of reasons for request 	30 days or 45 days*	30 days	
Filing a written reply for consent	Design Act Article 52, Enforcement Regulations of the Design Act Article 19(6)	Dispatching date of a notice of confirmation of consent	10 days or 25 days*	10 days	
Written explanation	Design Act Articles 52, 58(4), Trademark Act Article 56(1), 61, 68(4) <u>(5)</u> , Supplementary Provisions of the	Dispatching date of a notice of reasons for dismissal	20 days	20 days	

	Trademark Act Article 17(1), 20				
Time limit of succession by order	Design Act Article 68(2), Trademark Act Article 77(2), Supplementary Provisions of the Trademark Act Article 27(2)	Dispatching date of an order of succession	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Other procedures regulated in Enforcement Regulations of the Acts	Enforcement Regulations of the Design Act Article 19, Enforcement regulations of the Trademark Act Article 22(8)	Dispatching date of a notice, etc.	Appropriate time limit considering circumstances	Appropriate time limit considering circumstances	
Filing a receipt of registered mail, etc.	Design Act Article 52, 58(2)(3),	Dispatching date of a notice of request	10 days	10 days	

	<p>Trademark Act</p> <p>Articles 28(3), 43-14(1), 56(1), 62(1)(2), 68(4),</p> <p>Supplementary Provisions of the Trademark Act</p> <p>Articles 17(1), 27(2), 23</p>	<p>for submission of articles</p>			
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(Revised Oct 2015)