

38-06 P

Fees Concerning Correction

When filing a request for a trial for correction, fees according to the "number of claims concerning the request for a trial" under the Regulations under the Patent Act Article 46-2 (1) Form No. 62 Remark 4 shall be necessary (→ 21-09, 1. (3)).

When making a correction in a trial for invalidation or opposition to grant of patent, fees according to the "number of claims concerning the request for correction" under the Regulations under the Patent Act Article 46-2 (1) Form No. 63-2 (trial for invalidation) and Form No. 61-4 (opposition to grant of patent) shall be necessary in the same manner as a trial for correction.

That is, when making a correction of the whole patent right, fees according to the number of claims recorded in the patent register shall be necessary at the time of filing a request for a trial.

Moreover, when making a correction on a claim-by-claim basis, fees according to the number of claims stated in the "Purport of the request" column in a written request for a trial for correction or written request for correction (→ 38-04) shall be necessary.

For example, where the scope of claims consists of Claims 1 to 3 and all the claims are independent claims, when correcting only Claim 3, fees for only one claim shall be necessary.

Moreover, for example, where the scope of claims consists of Claims 1 to 5 and both Claims 4 and 5 cite Claim 3, when intending to correct only Claim 3, a correction is to be made on the basis of the group of claims comprising Claims 3 to 5, or a correction that dissolves the citation relation with Claim 3 is to be made by correcting Claim 3 and rewriting Claims 4 and 5 in a manner that they include the statement of Claim 3. Therefore, fees for three claims shall be necessary as fees for the claims to be corrected.

Furthermore, in the case of filing a request for correction that deletes a claim, for example, in the case where the scope of claims consists of Claims 1 to 5 and the patentee files a request for correction that deletes Claim 5, fees for one claim shall be necessary as fees for the claim to be corrected.

Incidentally, in the case of making corrections multiple times, earlier corrections are deemed to have been withdrawn (Patent Act Article 120-5 (7), Article 134-2 (6)). Therefore, fees shall be necessary on each correction.

(Revised Sep. 2018)