

38-00 P

Corrections in General

1. Outline

A trial for correction is a system for a patentee to voluntarily correct the description, claims or drawings after the registration of establishment of a patent right. A request for correction in a trial for invalidation or opposition to grant of patent is a system to correct the description, etc. as the patentee's means of defense against a trial for invalidation, etc.

The "description, claims or drawings attached to an application" shall be subject to correction. In a trial for correction, a patentee may file a request for a trial for correction (Patent Act Article 126 (1)). In addition, a patentee may file a request for correction in a trial for invalidation or opposition to grant of patent (Patent Act Article 134-2 (1), Article 120-5 (2)). However, where a previous request for correction exists and a second request for correction is filed, the previous request shall be deemed to have been withdrawn (Patent Act Article 134-2 (6), Article 120-5 (7)).

Where a trial decision on a trial for correction, trial for invalidation, or decision on opposition to grant of patent that allows a correction becomes final and binding, it shall be deemed that the patent application, publication of an application, examiner's decision to grant a patent, etc. have been done based on the description, etc. after the correction (Patent Act Article 128, Patent Act Article 120-5 (9) → Patent Act Article 128, Patent Act Article 134-2 (9) → Patent Act Article 128).

2. Unit of Request for Correction

(1) Filing a "Request for Correction for the Whole Patent Right" or "Request for Correction on a Claim-by-Claim Basis"

A. Choice between filing a "request for correction for the whole patent right" or filing a "request for correction on a claim-by-claim basis"

A correction shall be made by filing a "request for correction for the whole patent right" (the unit of request for correction shall be the whole patent right) or filing a "request for correction on a claim-by-claim basis" (the unit of request for correction shall be each

claim) (Patent Act Article 120-5 (3), (4), Article 126 (3), Article 134-2 (2), (3)).

In terms of a correction, whether the correction is allowed shall be determined for each unit of request for correction, and a trial decision, etc. shall become final and binding for each unit of request (Patent Act Article 120-7, Article 167-2).

Where the number of claims before a correction is one, the requester must file a "request for correction for the whole patent right." Where the number of claims before a correction is two or more, the patentee may choose between filing a "request for correction for the whole patent right" and filing a "request for correction on a claim-by-claim basis." However, regarding a request for correction in a trial for invalidation or opposition to grant of patent, where a request for the trial for invalidation, etc. was filed on a claim-by-claim basis, it is also necessary to file a "request for correction on a claim-by-claim basis" (Patent Act Article 134-2 (2), Article 120-5 (3)). It shall be understood that "a request for correction was filed on a claim-by-claim basis" unless any intention of either filing a "request for correction for the whole patent right" or filing a "request for correction on a claim-by-claim basis" is manifested by who requests correction (see Table 1). This is because although a request for a trial for invalidation and an opposition to grant of patent may be filed for the whole patent right, they are filed on a claim-by-claim basis in general. There will not be any advantage for a demandant or opponent if a request for correction is filed for the whole patent right because the whole patent right could be invalidated even if only a part of the patent right is subject to invalidation.

Table 1 Choice of the unit of request for correction

	Trial for correction	Request for correction
The number of claims before the correction is one	"Whole patent right"	"Whole patent right"
The number of claims before the correction is two or more	The requester may choose the unit	"on a claim-by-claim basis" in general

B. Regarding filing a "request for correction for the whole patent right"

Filing a "request for correction for the whole patent right" is to request making corrections for all the correction items collectively as stated in the attached corrected

description, claims or drawings.

Therefore, if some of the corrections do not fulfill the requirements, all the corrections will not be allowed in an integrated manner. Because of this, in a correction relating to multiple claims, the correction only relating to some of the claims shall never be allowed. Consequently, when confirming statements in the present patent description, etc., it is always necessary to only confirm one set of description, claims, or drawings for one patent right, which will make management of rights easy.

However, filing a "request for correction for the whole patent right" leads to making corrections as stated in the attached corrected claims, etc., that is, filing a request for correction for all the claims before the correction. Therefore, even in the case of correcting only the stated matter relating to one claim, fees for the number of claims stated in the patent register shall be necessary (→ 38-06).

C. Regarding a "request for correction on a claim-by-claim basis"

Filing a "request for correction on a claim-by-claim basis" is to request that a correction be made in units of each claim before the correction. As whether a correction is accepted is determined on a claim-by-claim basis, correction of a claim may be allowed even if correction of another claim is not allowed.

However, as whether a correction is allowed is determined on a claim-by-claim basis, where there are multiple correction items relating to one claim and any one of those correction items does not fulfill the requirements for correction, all the correction items concerning the said claim shall not be allowed in an integrated manner.

Incidentally, where claims to be corrected include groups of claims (groups of claims having the prescribed citation relation), a request for correction must be filed on the basis of each "group of claims" in relation to those claims (Patent Act Article 120-5 (3), (4), Article 126 (3), Article 134-2 (2), (3)), and whether the correction is allowed shall also be determined based on the unit of request, that is each "group of claims" (→ 38-01).

In the case of filing a "request for correction on a claim-by-claim basis," a request for correction may be filed only for some of the claims. Therefore, fees may be lower than those in the case of filing a "request for correction for the whole patent right" (→ 38-06).

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38-01 P

Group of Claims

1. Group of Claims

A group of (1) a claim whose statement is corrected and (2) dependent form claims (dependent claims) are referred to as a "group of claims." The relation forming a group of claims is provided in Patent Act Article 120-5 (4) and Regulations under the Patent Act Article 45-4.

In order to identify a "group of claims," it is first necessary to identify a claim whose statement is corrected out of the claims before the correction and then to identify all the dependent form claims (dependent claims) that directly or indirectly cite the claim whose statement is corrected in the citation relation before the correction. As such dependent form claims (dependent claims) in general include the correction items of the claim whose statement is corrected, they shall be handled as those corrected in conjunction with the claim whose statement is corrected, irrespective of whether statements of the dependent form claims (dependent claims) are corrected.

Example: Assuming the scope of claims consists of Claim 1 and Claim 2 that cites Claim 1 and the statement "A" in Claim 1 is corrected to "A'." In such case, Claim 2 is also corrected in conjunction with the correction item that corrects the statement of Claim 1. Therefore, Claims 1 and 2 constitute a "group of claims" (Figure 1).

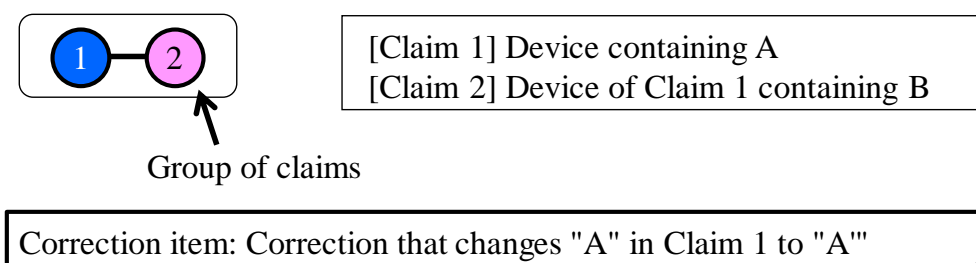


Figure 1 Basic idea of a "group of claims"

A "group of claims" is identified based on the citation relation before a correction, and it consists of a group of claims that are corrected in conjunction with a correction item. Therefore, it should be noted that even if claims have the citation relation before a correction, they do not constitute a "group of claims" unless they are subject to a correction item.

Example: Assuming the scope of claims consists of Claim 1, Claim 2 that cites Claim 1, and Claim 3 that cites Claim 2 and the statement "B" in Claim 2 is corrected to "B'." In such case, Claim 3 is corrected in conjunction with the correction item that corrects the statement of Claim 2. Therefore, Claims 2 and 3 constitute a "group of claims." However, Claim 1 that is not subject to the correction item does not constitute a "group of claims" because it is not corrected in conjunction with the correction item that corrects the statement of Claim 2 even though it has the citation relation with Claim 2 before the correction (Figure 2).

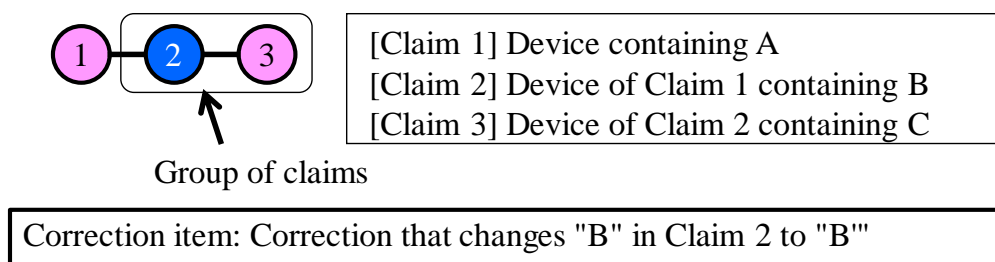


Figure 2 Example where there is a claim that does not constitute a "group of claims"

Where there are multiple "groups of claims" that are identified as above and there are two or more "groups of claims" that include a claim in common (the scope is partially redundant), these "groups of claims" are combined to form one "group of claims" (Regulations under the Patent Act Article 45-4).

Example: Assuming the scope of claims consists of Claim 1, Claim 2, and Claim 3 that cites Claim 1 or 2, and corrections are made with regard to Correction Item 1 that corrects the statement "A" in Claim 1 to "A'" and Correction Item 2 that corrects the statement "B" in Claim 2 to "B'." In such case, as explained above, Claims 1 and 3 constitute a "group of claims" and Claims 2 and 3 also constitute a "group of claims." In this case, these groups of claims that include Claim 3 in common are combined, and Claims 1 to 3

form one "group of claims" (Figure 3).

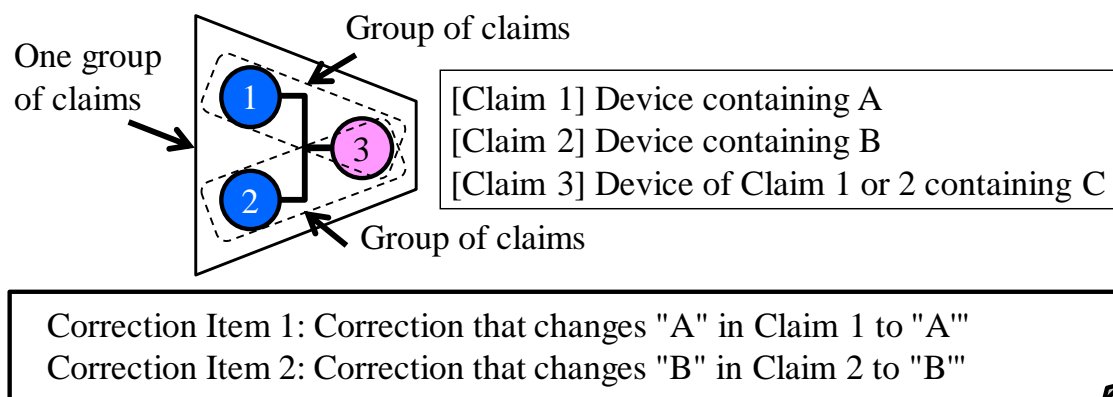


Figure 3 Example where two or more "groups of claims" are combined

2. Request that a Claim Be a Different Unit of Correction

If a correction that dissolves the citation relation between claims (correction that rewrites a claim that cites the statement of another claim to a claim that does not cite that the said statement of another claim), a correction that deletes a dependent form claim (dependent claim), a correction that reduces the number of cited claims in relation to a claim that cites multiple claims, etc. is made, the citation relation between the claims may be dissolved after the correction in some cases.

Based on the purport of introduction of correction intended for rewriting a claim that cites the statement of another claim to a claim that does not cite the said statement of another claim (Patent Act Article 120-5 (2) (iv), Article 126 (1) (iv), Article 134-2 (1) (iv)) through legal revision of 2011, in a case where a correction that dissolves the citation relation, etc. is made for a specific claim that constitutes a "group of claims" in the citation relation before the correction, the correction item concerning the said specific claim shall be handled as a different unit of correction from the "group of claims" if the prescribed request is made.

Such request shall be called a "request that a claim be a different unit of correction."

If a "request that a claim be a different unit of correction" is made for a correction item concerning a specific claim, the correction item concerning the said specific claim can be independently allowed without being affected by determination of whether or not

to allow other corrections concerning the "group of claims." In this manner, the said specific claim for which a "request that a claim be a different unit of correction" was made is handled as a different unit of correction from other corrections concerning the "group of claims." Therefore, a trial decision, etc. shall become final and binding for the said specific claim without being affected by the "group of claims."

Example: Assuming the scope of claims consists of Claim 1 and Claim 2 that cites Claim 1, and corrections are made with regard to Correction Item 1 that corrects the statement "A" in Claim 1 to "A'," Correction Item 2 that corrects Claim 2 that cites Claim 1 to an independent form claims (independent claims) (correction that dissolves the citation relation), and Correction Item 3 that corrects the statement "B" in Claim 2 to "B" (Correction Items 2 and 3 are considered as one correction item without being separated in some cases), and Correction Item 1 falls under an addition of a new matter, etc. and violates the requirements for correction (Figure 4).

In case where a "request that a claim be a different unit of correction" is not filed for Correction Items 2 and 3 concerning Claim 2, Claims 1 and 2 constitute a group of claims. Therefore, Correction Items 2 and 3 are also handed as correction items that are integral with Correction Item 1. Consequently, the corrections shall not be allowed, and a trial decision, etc. shall become final and binding in an integral manner for Claims 1 and 2 that constitute a group of claims. On the other hand, where a "request that a claim be a different unit of correction" is filed, the correction items concerning Claim 2 are handled based on a different unit of correction from other claims constituting the "group of claims" if Correction Items 2 and 3 fulfill the requirements for correction. Therefore, Correction Items 2 and 3 shall be allowed independently of a determination concerning Correction Item 1, and a trial decision, etc. shall become final and binding independently of Claim 1.

However, even where Correction Item 1 itself is allowed, if Correction Item 3 concerning Claim 2 is not allowed, Correction Item 2 concerning Claim 2 will not be allowed as well in an integral manner. This will also cause a "request that a claim be a different unit of correction" for Claim 2 not to be allowed. Furthermore, since a "request that a claim be a different unit of correction" is not allowed, Correction Item 1 concerning Claim 1 that constitutes a "group of claims" together with Claim 2 will not be allowed as

well in an integral manner.

Group of claims

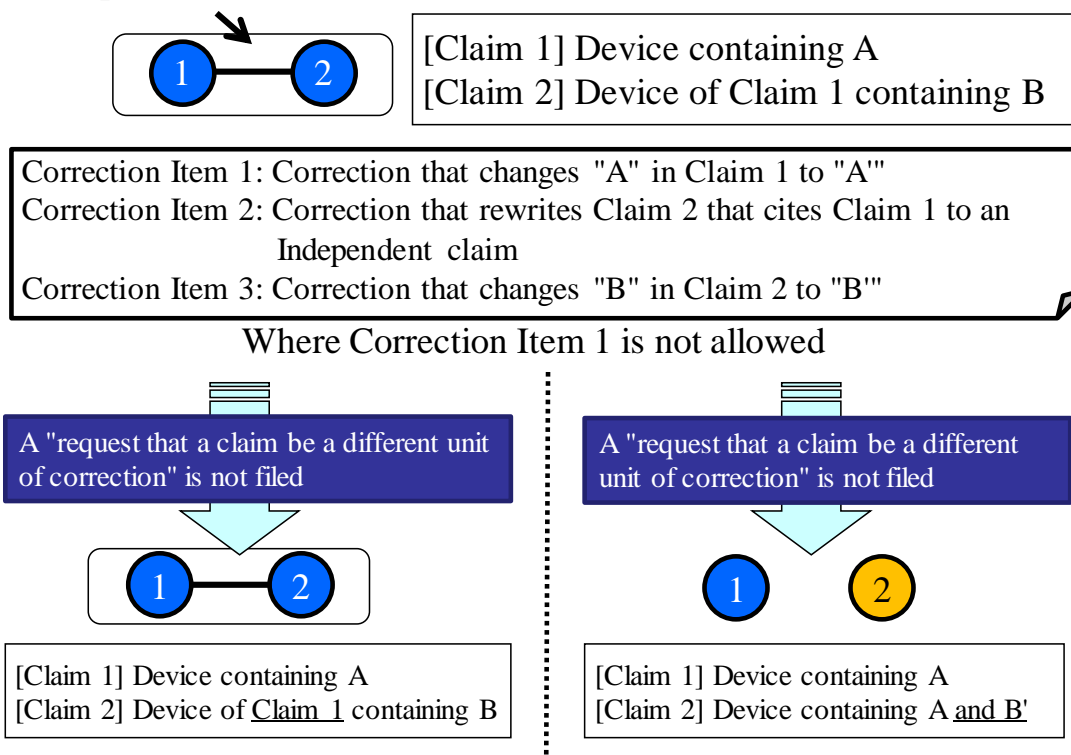


Figure 4 Effect of a "request that a claim be a different unit of correction"

As this "request that a claim be a different unit of correction" is allowed as an exception to a "group of claims" upon request of the patentee, it must be clearly stated in a written request for a trial for correction or written request for correction in a trial for invalidation, etc. That is, it is considered that an integral determination of whether or not to allow a correction is desired as a "group of claims" if a "request that a claim be a different unit of correction" is not filed even where a correction that dissolves the citation relation, etc. is made.

3. Remark for Procedures

A "request that a claim be a different unit of correction" shall be stated in the "Reasons for the request" column in a written request for a trial for correction or written request for correction (→ 38-04, 2.(3)C.).

Where there are any deficiencies in a request that a claim be a different unit of

correction, the chief administrative judge shall order the patentee to make an amendment within a reasonable time limit (normally 30 days → 25-01.5).

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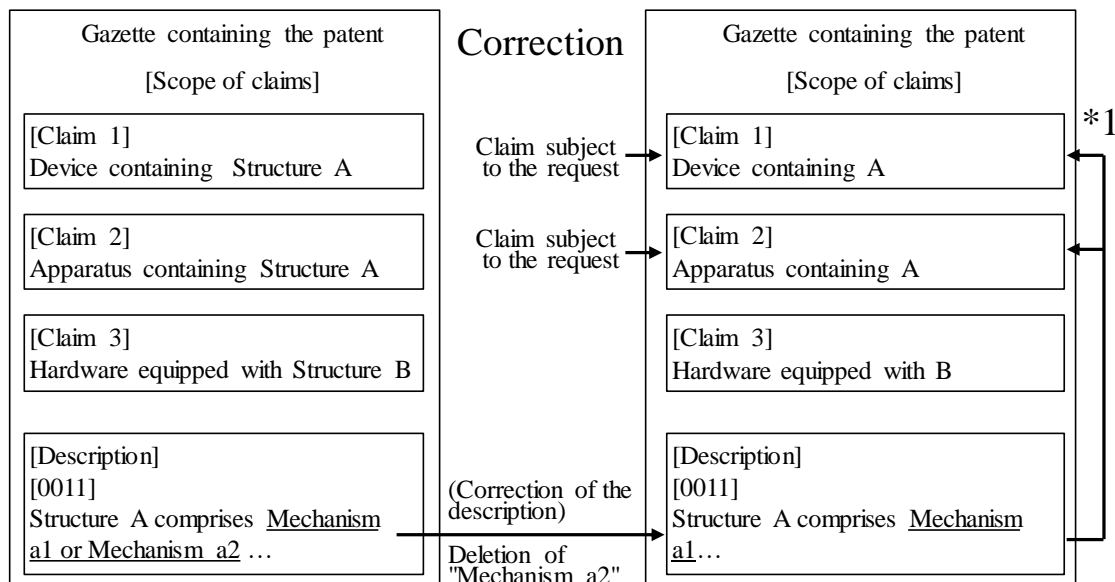
Correction of Description or Drawings

1. Claims Relating to Correction of Description or Drawings

When a "request for correction is filed on a claim-by-claim basis" and the description or drawings is corrected, correction must be made with respect to all claims concerning the correction of the description or drawings (Patent Act Article 126 (4), Article 134-2 (9) → Article 126 (4), Article 120-5 (9) → Article 126 (4)).

Regarding claims (groups of claims) that have no correspondence relation with the correction of the description or drawings, the correction of the description or drawings shall not be taken into consideration in general, and the claims shall be interpreted based on the description or drawings before the correction.

For example, when correcting the matter stated in paragraph [0011] in the description as indicated in Figure 1, correction must be made to Claims 1 and 2 relating to this correction of paragraph [0011] in the description.



*1 All the related claims must be made subject to the correction on the basis of the submitted correction of the description or drawings.

Figure 1 Relation between the corrected description and claims

If a description (or drawings) relating to a specific claim is corrected, the correction item in the description (or drawings) shall be handed as a correction item relating to the said claim.

For example, assuming the scope of claims consists of:

"[Claim 1] Air-conditioner device containing Mechanism A and Mechanism B,

[Claim 2] Air-conditioner device further containing Mechanism C, stated in Claim 1,

[Claim 3] Air-conditioner device further containing Mechanism D, stated in Claim 1 or 2,
and

[Claim 4] Air-conditioner device characterized in that the refrigerant of Mechanism D is manufactured by Manufacturing Process E, stated in Claim 3,"

and there is the statement in paragraph [0020] in the description that:

"The refrigerant of Mechanism D bears very high "艦橋不可" [kankyō fuka](= flying bridge impossibility) when being discarded because it is manufactured by Manufacturing Process E."

Then, a request for correction (correction of an error) was filed only in relation to Claim 4 that contains a statement concerning refrigerant to change this statement to that :

"The refrigerant of Mechanism D bears very high "環境への負荷" [kankyō eno fuka](= environmental load) when being discarded because it is manufactured by Manufacturing Process E."

In this case, only the description relating to Claim 4 is corrected, and the statement "艦橋不可"(= flying bridge impossibility) remains in the description relating to Claim 3. In order to reflect the correction of the description on all the claims, a correction must be made with respect to all claims concerning the correction of the description.

Meanwhile, when a request for correction is filed on a claim-by-claim basis and the "title of the invention" is corrected, as the statement of the "title of the invention" in the description relates to all claims, a correction must be made with respect to all claims.

2. When There Is No Claim Relating to Correction of Description or

Drawings

For example, where the correction of the description or drawings is to correct errors in the description or drawings and there is no need to take the correction into consideration in finding the invention stated in any of the claims after the correction, the correction of description or drawings may be filed either with respect to each voluntary claim or group

However, it is in general not necessary to correct a statement of description, etc. that does not need to be taken into consideration with respect to finding of the inventions stated in any of the claims.

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38-03 P

Requirements for Correction

1. Requirements for Correction (Regarding a Trial for Correction: Patent Act Article 126 (1), (5), (6), (7), 1993 Supplementary Provisions Article 4 (2), the Former Utility Model Act Article 39 (1), (2), (3), Regarding a Trial for Invalidation: Patent Act Article 134-2 (1), Article 134-2 (9) → Article 126 (5), (6), (7), 2011 Supplementary Provisions Article 19 (2), the Former Utility Model Act Article 40-2 (1), Article 40-2 (9) → Utility Model Act Article 39 (5), (6), (7); Regarding an Opposition to Grant of Patent: Patent Act Article 120-5 (2), Article 120-5 (9) → Article 126 (5), (6), (7))

Requirements for correction in relation to the description, claims or drawings attached by the patentee to an application is provided in Patent Act Article 126, Article 134-2, and Article 120-5.

Purpose of a correction is to defend against a possible attack in a trial for invalidation, etc. by eliminating defect(s) from a part of the patent in advance. In order to accomplish such purpose, correction of minimum scope of claims is enough. Therefore, a correction shall be limited to those intended for the following purposes (Patent Act Article 126 (1), 1993 Supplementary Provisions Article 4 (2), Former Utility Model Act Article 39 (1), Patent Act Article 134-2 (1), Article 120-5 (2)):

- (1) restriction of the scope of claims (proviso (i)) (→ 2.);
- (2) correction of an error or mistranslation (proviso (ii)) (→ 3. 4.);
- (3) clarification of an ambiguous statement (proviso (iii)) (→ 5.); and
- (4) dissolution of the citation relation between claims (rewriting a claim that cites another claim to a claim that does not cite the said other claim) (proviso (iv)) (→ 6.).

In addition, a correction must be made within the scope of the matters stated in the description, etc. attached to an application (→ 7.), and must not substantially enlarge or alter the scope of claims (→ 8.). The invention defined by what is stated in the scope of claims after the correction must be one that is independently patentable upon the filing of the patent application (→ 9.).

2. Restriction of the Scope of Claims (Patent Act Article 126 (1) (i), Former Utility Model Act Article 39 (1) (i), Patent Act Article 134-2 (1) (i), Article 120-5 (2) (i))

(1) The "restriction of the scope of claims" refers to restricting the matters stated in the claims, etc. in the case where the statement of the scope of claims as it is has a defect of containing publicly known art or is likely to be understood as having a reason for the invalidation or revocation of a patent, etc. to the effect that the patent right is identical with another invention of the same person. Deletion of a claim (including deletion of all claims) shall also fall under this.

(2) All matters found to be necessary for defining the invention for which a patent is sought must be stated in the scope of claims by segmenting them into claims. Therefore, a determination concerning "restriction of the scope of claims" shall be basically made with respect to each claim (including dependent form claims (dependent claims) whose statement itself is not corrected).

(3) Specific examples that do not fall under the "restriction of the scope of claims"

A. Deletion of a part of matters to specify the invention stated in series

B. Addition of elements in an alternative form

C. Correction that increases the number of claims (excluding the cases that fall under (4) F. G. or 6.)

(4) Specific examples that fall under the "restriction of the scope of claims"

A. Deletion of elements in an alternative form

B. Serial addition of matters to specify the invention

C. Change from a generic concept to a more specific concept

D. Deletion of a claim

E. Reduction of the number of claims cited in multiple dependent form claims

Example: Correction that rewrites the statement of the scope of claims "Air-conditioner device stated in any of Claims 1 to 3 containing Mechanism A" to "Air-conditioner device stated in Claim 1 or 2 containing Mechanism A"

F. Change of a claim that cites n claims to a claim that is n-1 or fewer claims

Example: Correction that changes the statement of one claim in the scope of claims "Air-conditioner device stated in any of Claims 1 to 3 containing Mechanism A" to two claims, "Air-conditioner device stated in Claim 1 containing Mechanism A" and "Air-conditioner device stated in Claim 2 containing Mechanism A." This case includes rewriting the relevant claim without citing these claims.

3. Correction of an Error (Patent Act Article 126 (1) (ii), Former Utility Model Act Article 39 (1) (ii), Patent Act Article 134-2 (1) (ii), Article 120-5 (2) (ii))

(1) "Correction of an error" refers to correcting an error to a word or phrase, in a case where it is clear from the statements in the description, scope of claims or drawings that the word or phrase implies original meaning, and refers to one for which the statement before the correction is objectively recognized as naturally indicating the same meaning as the statement after the correction (Notes 1 and 2).

(Note 1) Where a drawing attached to the registered utility model application contains an error, it shall be allowed to interpret the scope of rights of the utility model right by correcting the error even without rendering of a trial decision to correct (court decision of the Hirosaki Branch of the Aomori District Court, May 22, 1972 (1971 (Yo) No. 2, Mutaishu, Vol. 4, No. 1, page 313).

(Note 2) As far as the statement of the scope of claims is concerned, correction of an error shall be allowed only where a person ordinarily skilled in the art or other third parties understand that the statement before the correction naturally indicates the same meaning as the statement after the correction, and the statement of the detailed explanation of the invention must be taken into consideration only to the extent that it serves as material for making a determination in this regard (court decision of the First Petty Bench of the Supreme Court, December 14, 1972 (1966 (Gyo-Tsu) No. 1), Minshu, Vol. 26, No. 10, page 1888, Hanji, No. 692, page 18, Hanta, No. 297, page 220; court decision of the Tokyo High Court, December 25, 1973 (1969 (Gyo-Ke) No. 10), Mutaishu, Vol. 5, No. 2, page 530; court decision of the Intellectual Property High Court, 2006 (Gyo-Ke) No. 10204).

(2) In order that correction of an error is allowed, the error must exist in the statements in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any).

(3) Where it is clear that a statement in a claim is an error per se or in relation to the statements in the description at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any) and the correct statement is determined as an obvious matter from the whole statements in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any), the correction to change the error to the correct statement neither substantially enlarges nor alters the scope of claims.

On the other hand, where a correct statement is determined only by taking into consideration the description originally attached to the application or foreign-language documents, it is necessary to examine whether the correction substantially enlarges or alters the scope of claims through a new comparison of the scopes of claims before and after the correction (→ 8.).

(4) Regarding correction of Japanese particles "te, ni, wo, ha," the purpose of a correction must also be made clear as correction of an error if the correction is intended for correction of an error.

However, where correction is to rewrite "および (*oyobi* in Hiragana characters)" into "及び (*oyobi* in Hiragana and Kanji characters)" and it is incidental to another correction, the purpose of correction shall not have to be indicated.

4. Correction of a Mistranslation (Patent Act Article 126 (1) (ii), Article 134-2 (1) (ii), Article 120-5 (2) (ii))

"Correction of a mistranslation" refers to correcting a statement that has come to have a meaning that differs from its meaning in a foreign-language document due to translation (mistranslation) to a statement that indicates the same meaning as that in the foreign-language document.

In order that correction of a misinterpretation is allowed, the meaning of a statement

in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any) must differ from the meaning thereof in the foreign-language document.

5. Clarification of an Ambiguous Statement (Patent Act Article 126 (1) (iii), Former Utility Model Act Article 39 (1) (iii), Patent Act Article 134-2 (1) (iii), Article 120-5 (2) (iii))

(1) "Clarification of an ambiguous statement" refers to making clear the original meaning of the statement by correcting a deficiency in a statement arising in the description, claims or drawings, such as (1) a statement whose meaning itself is unclear in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any), (2) a statement that is unclear because it causes irrationality in relation to another statement in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any).

(2) In order that clarification of an ambiguous statement is allowed, an unclear statement must exist in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any).

(3) Types of the cases where the purpose of a correction falls under "clarification of an ambiguous statement"

A. When correcting a statement whose content itself is not clear

B. When correcting a statement whose content itself causes irrationality in relation to another statement

C. When making the content of the statement clear by correcting a statement in which the purpose, structure or effect of the invention is technically unclear, etc.

D. Addition of function and effect

E. Addition of a naturally required condition to the scope of claims

Correction of a description that is made to make the description be consistent with the scope of claims along with correction of the scope of claims falls under Type B above. Regarding Type D, a correction is allowed if the structure and function and effect of the invention is explicitly stated in the description, etc. at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any) and the said function and effect is obvious from the statement.

Addition of a new working example or embodiment shall not be generally recognized as being within the scope of the matters stated in the description, scope of claims or drawings at the time of the registration of the establishment of the patent right (or, at the time of becoming final and binding of a trial decision to correct if there is any).

6. Dissolution of the Citation Relation between Claims (Rewriting a Claim that Cites Another Claim into a Claim that Does Not Cite The Said Other Claim) (Patent Act Article 126 (1) (iv), the 2012 Supplementary Provisions Article 19, Former Utility Model Act Article 39 (1) (iv), Patent Act Article 134-2 (1) (iv), Article 120-5 (2) (iv))

In relation to correction of the scope of claims, "dissolution of the citation relation between claims (rewriting a claim that cites another claim into a claim that does not cite the said other claim) refers to rewriting a statement of a claim, among multiple claims that are not subject to a correction, that has the citation relation in such manner that a claim cites a statement of another claim into a statement that does not cite the statement of the said other claim without changing the content of the statement.

This correction shall be made for the purpose of dissolving the citation relation between claims so as to prevent a claim from being handled as one comprising a "group of claims" (→ 38-01).

Where dissolution of the citation relation between claims and restriction of the scope of claims are conducted in the same correction unit (one single claim), it shall be noted that there is a case where the invention defined by what is stated in the scope of claims after the correction must be one that is independently patentable upon the filing of the patent application (Patent Act Article 126 (7), Patent Act Article 134-2(9)→Patent Act Article 126 (7), Patent Act Article 120-5(9)→Patent Act Article 126 (7)).

(Example of correction that is allowed: dissolution of the citation relation between claims along with deletion of a superordinate claim)

*Original claims

[Claim 1] Air-conditioner device containing Mechanism A and Mechanism B.

[Claim 2] Air-conditioner device stated in Claim 1 also containing Mechanism C.

[Claim 3] Air-conditioner device stated in Claim 1 or 2 also containing Mechanism D.

[Claim 4] Air-conditioner device stated in Claim 1, 2 or 3 also containing Mechanism E.

*Claims after the correction (deletion of the original Claim 1)

[Claim 1] (Deleted)

← Correction for restrict the scope of claims

[Claim 2] Air-conditioner device containing Mechanism A, Mechanism B, and Mechanism C.

[Claim 3] Air-conditioner device containing Mechanism A, Mechanism B, and Mechanism D.

[Claim 4] Air-conditioner device containing Mechanism A, Mechanism B, and Mechanism E.

[Claim 5] Air-conditioner device containing Mechanism A, Mechanism B, Mechanism C, and Mechanism D.

[Claim 6] Air-conditioner device containing Mechanism A, Mechanism B, Mechanism C, and Mechanism E.

[Claim 7] Air-conditioner device containing Mechanism A, Mechanism B, Mechanism D, and Mechanism E.

[Claim 8] Air-conditioner device containing Mechanism A, Mechanism B, Mechanism C, Mechanism D, and Mechanism E.

← Correction for dissolution of the citation relation between claims

7. Prohibition of Correction that Adds a New Matter (Patent Act Article 126 (5), Article 134-2 (9) → Article 126 (5), Article 120-5 (9) → Article 126 (5))

When making a correction, the correction must be made within the scope stated in the description, scope of claims or drawings for which a patent was granted, and a correction that adds a new matter shall not be allowed.

The description, etc. that serve as a standard for determining whether a correction adds a new matter is the description, scope of claims or drawings as of the registration of establishment of the patent right (where a correction by another trial for correction or request for correction in a trial for invalidation has already become final and binding, the description, scope of claims or drawings that has already become final and binding). Therefore, for example, if a patent was granted based on the description whose statement as of the filing of the patent application was partially deleted, a correction that restores the deleted part shall not be allowed.

However, a correction for correction of an error or mistranslation may be allowed within the scope of the matters stated not in the description, scope of claims or drawings at the time of the registration of establishment of a patent right but in the description, scope of claims or drawings (foreign-language documents for a patent relating to an application written in a foreign language) originally attached to the application (→ 3., 4.).

8. Correction Neither Substantially Enlarges Nor Alters the Scope of Claims (Patent Act Article 126 (6), Former Utility Model Act Article 39 (2), Patent Act Article 134-2 (9) → Patent Act Article 126 (6), Patent Act Article 120-5 (9) → Patent Act Article 126 (6))

(1) Correction that "substantially enlarges the scope of claims" refers to a correction that enlarges the scope of claims by merely correcting the statement of the detailed explanation of the invention or drawings without correcting the scope of claims, in addition to a correction that enlarges the scope of claims by correcting the statement of the scope of claims itself (for example, correction that replaces a matter stated in a claim with an expression indicating a broader meaning).

Correction that "substantially alters the scope of claims" refers to a correction that alters the scope of claims by merely correcting the statement of the detailed explanation of the invention or drawings without correcting the scope of claims, in addition to a correction that alters the scope of claims by correcting the statement of the scope of claims itself (for example, correction that displaces the scope of claims by replacing a matter

stated in a claim with an expression indicating a different meaning) and a correction that alters the subject of the invention.

Examples of corrections that substantially enlarge or alter the scope of claims

A. Correction that partially deletes serial elements in the matters required to define the invention stated in a claim

B. Correction that adds elements in an alternative form in the matters required to define the invention stated in a claim

C. Alteration of a matter required to define the invention stated in a claim to a generic concept

D. Replacement of a matter required to define the invention stated in a claim

E. Correction that broadens or displaces a numerical limitation stated in a claim

F. Correction that changes the category of the invention, specifically, from an "invention of a process" or "invention of a process for producing a product" to an "invention of a product"

G. Correction of a statement in the detailed explanation of the invention that affects the interpretation of a matter stated in a claim and thereby results in substantially falling under any of A to F mentioned above

(2) Addition of an embodiment or working example, addition of an explanation, theory, or experimental data showing the effect achieved by a product or process subject to a patent shall generally not be recognized as being within the scope of the matters stated in the description, scope of claims or drawings attached to an application even if it does not substantially alter the scope of claims.

9. Invention That Is Independently Patentable Upon the Filing of a Patent Application (Requirements for Independent Patentability: Patent Act Article 126 (7), Former Utility Model Act Article 39 (3), Patent Act Article 134-2 (9) → Article 126 (7), Article 120-5 (9) → Article 126 (7))

(1) Where a correction is made for restriction of the scope of claims (Patent Act Article 126 (1) (i), Article 134-2 (1) (i), Article 120-5 (2) (i)) and correction of an error or mistranslation (Patent Act Article 126 (1) (ii), Article 134-2 (1) (ii), Article 120-5 (2) (ii)),

the invention defined by what is stated in the scope of claims after the correction must be independently patentable upon the filing of the patent application. However, this requirement shall not be imposed on claims for which a request for a trial for invalidation has been filed and claims for which an opposition to grant of patent has been filed.

Moreover, this requirement shall not be imposed either on corrections by deletion of a claim, claims for which a correction is not requested (Note 1), and claims for which only the correction for clarification of an ambiguous statement or dissolution of the citation relation between claims was made.

(Note 1) Whether a correction is requested is determined based on whether a correction is substantially requested. For example, dependent form claims shall be considered as being indirectly corrected if the cited claim is corrected even if the claim itself is not directly corrected.

(2) Where the invention specified by what is stated in the scope of claims after the correction is not patentable under the provisions of Patent Act Article 49, the correction shall, in principle, violate the requirements for independent patentability.

However, Patent Act Article 36 (4) (ii), Article 36 (6) (iv), and Article 37 shall not be applicable by considering that the invention does not violate the provision of Patent Act Article 126 (7) "... allow the invention ... to be patented independently upon the filing of the patent application," taking into consideration the fact that these provisions are not considered as constituting reasons for invalidation (Patent Act Article 123 (1)) or reasons for revocation (Patent Act Article 113(1)).

(3) Example case subject to a determination concerning the requirements for independent patentability (trial for correction)

In the following example, Claims 1 to 3 are subject to a determination concerning the requirements for independent patentability.

In light of the purpose of the correction, Claims 1 and 3 are subject to a determination concerning the requirements for independent patentability, and Claims 4 and 5 are not subject thereto. Although there is no explicit correction item in relation to Claim 2, Claim 2 after the correction cites the restricted Claim 1 after the correction. Therefore, Claim 2 after the correction is substantially restricted compared to Claim 2 before the correction. Consequently, Claim 2 is subject to a determination.

(Example)

Before the correction	After the correction	(Purpose of the correction)
Claim 1 Device containing A	→ Device containing a	(Restriction of the scope of claims)
Claim 2 Device stated in Claim 1 also containing B		
Claim 3 Device containing C	→ Device containing C'	(Correction of an error)
Claim 4 Device containing D	→ Device containing D'	(Clarification of an ambiguous statement)
Claim 5 Device containing E		

10. Determination Procedure

When determining whether a correction fulfills the requirements provided in Patent Act Article 126, Article 134-2, and Article 120-5, a determination shall be made on whether the correction fulfills the requirements for purpose provided in Patent Act Article 126 (1) in advance of making a determination concerning the requirements provided in Patent Act Article 126 (5) to (7) (Article 134-2 (9) → Article 126 (5) to (7), Article 120-5 (9) → Article 126 (5) to (7)).

11. Effect of Prohibition of Double Jeopardy

Although the provisions of Patent Act Article 167 [the Effect of Prohibition of Double Jeopardy] are not applicable, if requests for correction with the completely same content are repeatedly filed, they are highly likely to reach the same conclusion.

(Revised Sep. 2018)

38-04 P

Purport of the Request for Correction and the Reasons for Correction in a Written Request for (Trial for) Correction

1. How to State "Purport of the Request"

In the "Purport of the request" column in a written request for a trial for correction or written request for correction, the patentee shall indicate the patent right subject to the correction and specify the content and scope of the correction in relation to the patent right, and also state a trial decision, etc. (correction) for which the patentee requests.

This " Purport of the request" column explicitly indicates whether the request is filed " for the whole patent right" or "on a claim-by-claim basis." In the case of filing a "request for correction on a claim-by-claim basis," the patentee shall state this column in such manner that the unit of request (on a claim-by-claim basis or on the basis of each group of claims) is clear (→ 38-00).

Specifically, the purport of the request shall be stated as indicated in Tables 1 and 2 below (Regulations under the Patent Act Article 46-2 (1), Form No. 61-4 Remark 1, Form No. 62 Remark 5, Form No. 63-2 Remark 2).

The "Purport of the request" column shall be stated according to the content of the requested correction. For example, where the content of the requested correction is only correction of the scope of claims, the patentee shall state "Attached corrected scope of claims" in the "Purport of the request" column (see 38-05 regarding preparation of the corrected description and scope of claims).

In the case of filing a "request for correction on a claim-by-claim basis," the claim subject to the correction shall be identified by the number assigned to the claim after the correction. At this moment, in the case of deleting Claim A, Claim A shall be also stated in the column.

Incidentally, regarding a group of claims, whether claims subject to a request constitute a group of claims is determined based on the statement of the scope of claims before the correction. However, when dissolving the citation relation, a request for correction may be filed based on a unit of request that does not include the citing claim before the correction by filing "a request that a claim be a different unit of correction."

However, if a correction of a claim for which a correction that dissolves the citation relation was made is not allowed, the request that the claim be a different unit of correction will not be also allowed. In a statement that the correction is allowed in the conclusion of a trial decision or decision, claims shall be indicated separately on the basis of each unit of correction for which correction is allowed. For example, a group of claims shall be indicated by brackets, like Claims [3 to 5].

Table 1 Example: How to state the "Purport of the request" column in a written request for a trial for correction

Unit of request	"Purport of the request" column
In the case of filing a "request for a trial for correction for the whole patent right"	The patentee requests that the JPO renders a trial decision that allows the correction of the description and scope of claims (and drawings) of Patent No. XXXXXXXX as described in the corrected description and scope of claims (and drawings) attached to the written request for a trial for correction.
In the case of filing a "request for a trial for correction on a claim-by-claim basis)	The patentee requests that the JPO renders a trial decision that allows the correction of the description and scope of claims (and drawings) of Patent No. XXXXXXXX as described in the corrected description and scope of claims (and drawings) attached to the written request for a trial for correction <u>in relation to Claims X, X, X to X after the correction.</u>

Table 2 Example: How to state the "Purport of the request" column in a written request for correction

Unit of request	"Purport of the request" column
In the case of filing a "request for correction for the whole patent right"	The patentee requests correction of the description and scope of claims (and drawings) of Patent No. XXXXXXXX as described in the corrected description and scope of claims (and drawings) attached to the written request for correction.
In the case of filing a	The patentee requests correction of the description and scope

"request for correction on a claim-by-claim basis"	of claims (and drawings) of Patent No. XXXXXXXX as described in the corrected description and scope of claims (and drawings) attached to the written request for correction <u>in relation to Claims X, X, X to X after the correction.</u>
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2. How to State "Reasons for the Request"

The "Reasons for the request" column shall be stated in separate sections, like the "Background of the registration of establishment," "Correction items," and "Reasons for the correction" sections. In the case of filing a request for correction on a claim-by-claim basis, the patentee shall separate the "Reasons for the request" column into sections based on each unit of request for correction (on a claim-by-claim basis or on the basis of each group of claims) and then state the reasons in separate sections, like the "Background of the registration of establishment," "Correction items," and "Reasons for the correction" sections (Regulations under the Patent Act Article 46-2 (2), Form No. 61-4 Remark 2, Form No. 62 Remark 7 C, Form No. 63-2 Remark 3).

(1) "Background of the Registration of Establishment"

The patentee shall state the background from the filing of the application to the registration of establishment of the patent right (including the filing date, registration date, etc.) regarding the patent for which a request for a trial for correction or request for correction is filed (or a claim, etc. of the patent right subject to the request) in the "Background of the registration of establishment" column.

In addition, where a correction has already been allowed for the said patent by an earlier request for a trial for correction or request for correction, the patentee shall also state the background in relation to the procedure for the correction.

(2) "Correction Items"

Where a correction includes wide-ranging correction items, the patentee shall state the content of the correction in a specific and clear manner by separating the "Correction Items" column into sections on the basis of each correction item in order to make it possible to accurately specify each correction item.

Incidentally, in the case where the number of claims is increased or reduced, it is desirable that the patentee prepares a correspondence table of claims before and after the

correction in this column.

(3) "Reasons for the Correction"

The patentee shall state explanations about the following items.

A. Explanation about a group of claims

Where there is a correction relating to a group of claims, the patentee shall explain what claims constitute the "group of claims" based on the statement of the scope of claims corrected by the corrected description, etc. (Patent Act Article 120-5 (4), Article 126 (3), Article 134-2 (3), Regulations under the Patent Act Article 46-2).

B. Explanation about the fact that a correction item complies with all the requirements for correction

The patentee shall state the "Reasons for the correction" column in separate sections so that each section corresponds to a correction item. Specifically, the patentee shall explain the fact that a correction item complies with all the requirements for correction with respect to each correction item stated as described in (2) above (Patent Act Article 126, including the case where said Article is applied *mutatis mutandis* pursuant to Article 120-5 and Article 134-2). For example, the patentee shall explain the purpose of the correction, the fact that the correction is not one that substantially enlarges or alters the scope of claims, the fact that the correction is one within the scope of the matters stated in the description, scope of claims, or drawings attached to the written application, and the fact that the corrected invention is independently patentable upon the filing of the patent application.

C. Request that a claim be a different unit of correction

In the case of making a correction that dissolves the citation relation or correction that deletes a claim, where the patentee requests that the claim is handled separately from the unit of request to which the cited claim belongs, the patentee shall also state a "request that a claim be a different unit of correction " here (→ 38-01).

D. Explanation about claims relating to the correction of the description or drawings

In the case of filing a "request for correction on a claim-by-claim basis," where the correction of the description or drawings relates to multiple claims, it is necessary to file a request that "all claims" relating to the correction of the description or drawings be

subject to the request (Patent Act Article 126 (4)).

Then, in the case of filing a "request for correction on a claim-by-claim basis," the patentee shall clearly state the correspondence relation with all claims (or a group of claims) that have a relationship with the correction of the description or drawings, and explain that the correction of the "description or drawings" are made to all claims (or a group of claims) relating to the correction (Patent Act Article 131 (3), Regulation for Enforcement of the Patent Act Article 46-2 (2)).

Incidentally, it is also believed that correction of the "description or drawings" will not be taken into account in interpreting a claim about which relation with the correction of the "description or drawings" was not clearly stated. Therefore, it is important to carefully consider the said correspondence relation.

(Revised Sep. 2018)

38-05 P

Corrected Description, Scope of Claims or Drawings

1. How to State a Corrected Description, Scope of Claims or Drawings

When filing a request for a trial for correction or request for correction, the patentee must attach the corrected description, scope of claims or drawings (corrected description, etc.) to a written request (Patent Act Article 131 (4) (including the case where said Article is applied mutatis mutandis pursuant to Patent Act Article 120-5 (9) or Patent Act Article 134-2 (9)). However, when correcting any one of the aforementioned documents, for example, only the scope of claims, it is only necessary to attach the corrected scope of claims. In this case, the statement, "Corrected description, scope of claims (and drawings) attached," in the "Purport of the request" column in the written request shall be changed in conformity to the attached document, for example, "Corrected scope of claims attached."

When stating this corrected description, etc., the patentee shall state in a manner where no displacement of claim numbers, paragraph numbers, drawing numbers, etc. will occur before and after the correction (see Figure 2) in order to prevent occurrence of "lack of easiness to see" in the description, scope of claims or drawings (see Figure 1) (Regulation under the Patent Act Form No. 29 Remark 19, Form No. 29-2 Remark 15).

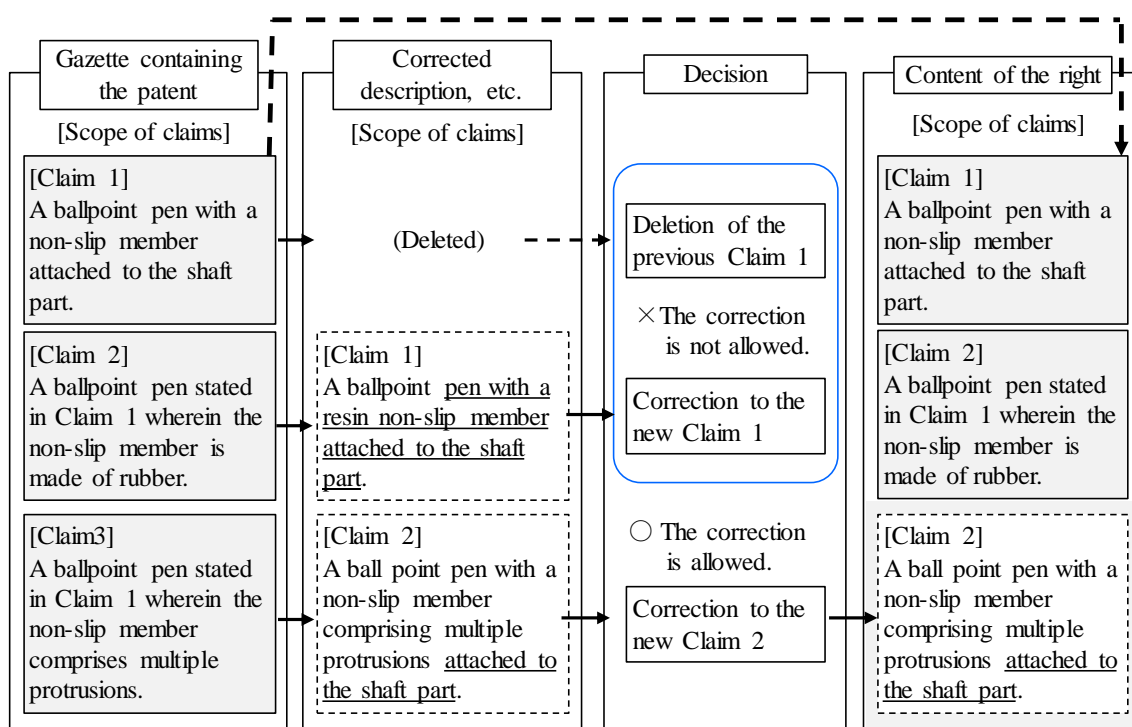


Figure 1 Example: "Lack of easiness to see" occurs (Two kinds of "Claim 2" occur)

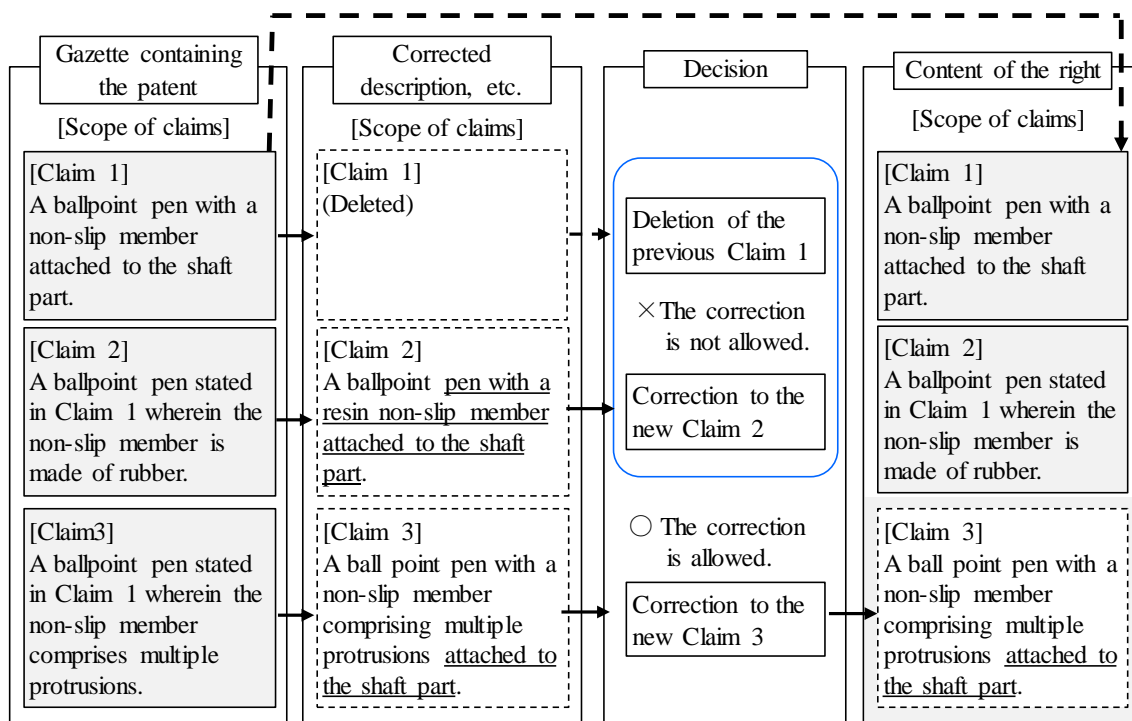


Figure 2 Example: How to state the scope of claims to prevent occurrence of "lack of easiness to see"

As stated in Figures 1 and 2, the patentee shall underline the corrected parts. In addition, where corrections are made multiple times, earlier corrections are deemed to have been withdrawn. Therefore, it should be noted that the underlined corrected parts will be the parts changed from the statement at the time of the registration of establishment (gazette containing the patent in Figures 1 and 2; or the statement at the time when the correction became final and binding if any correction has already become final and binding).

2. How to State a Correction to Delete a Claim

(1) When deleting a claim stated in the scope of claims, the patentee shall state in such manner as "[Claim X] (Deleted)" without moving forward claim numbers, and leave the deleted claim number in the scope of claims and description (Regulations under the Patent Act Form No. 29-2 Remark 15 A).

(2) When deleting a paragraph stated in the description, the patentee shall state in such manner as "[XXXX] (Deleted)" (Regulation under the Patent Act Form No. 29 Remark 19 A).

(3) When deleting a figure stated in drawings, the patentee shall state in such manner as "[Figure X] (Deleted)" (Regulation for Enforcement of the Patent Act Form No. 30 Remark 13 A).

(4) When deleting a chemical formula, mathematical formula, table, document, embodiment, etc. stated in the scope of claims, description, etc., the patentee shall leave the already assigned chemical formula numbers, mathematical formula numbers, table numbers, document numbers, embodiment numbers, etc. as they are even if those numbers become discontinuous, and shall not make a correction to move forward the numbers (Regulation under the Patent Act Form No. 29 Remark 14 C, E, Remark 16, Form No. 29-2 Remark 16)).

3. How to State a Correction to Add a Claim

(1) When adding a new claim, the patentee shall state the new claim following the last claim, and shall not make a correction by inserting a number between claims (Regulation under the Patent Act Form No. 29-2 Remark 15 B).

(2) When adding a new figure, the patentee shall state the new figure following the last figure, and shall not make a correction by inserting the new figure between figures (Regulation under the Patent Act Form No. 30 Remark 13 B).

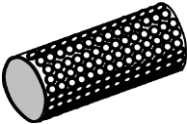
(3) When adding a new paragraph, chemical formula, mathematical formula, table, document, embodiment, etc., the patentee shall make a correction so that the already assigned paragraph numbers, chemical formula numbers, mathematical formula numbers, table numbers, document numbers, embodiment numbers, etc. are neither displaced nor changed. Incidentally, there is no problem even if such numbers become discontinuous as a result of a correction (Regulation under the Patent Act Form No. 29 Remark 14 C, E, Remark 16, Remark 19 B, Form No. 29-2 Remark 16).

4. Example: How to State a Corrected Description, Scope of Claims or Drawings

Example: How to state a corrected description, etc. when making a correction to delete a claim

Description, etc. before the correction	Corrected description, etc. (after the correction)
Claims	Claims
[Claim 1]	[Claim 1]
A ballpoint pen wherein a non-slip member which is made of a material that differs from that of the shaft cylinder part and comprises a porous tube is fitted into the grip part on the tip side of the shaft cylinder.	A ballpoint pen wherein a non-slip member which is made of a material that differs from that of the shaft cylinder part and comprises a <u>rubber</u> porous tube is fitted into the grip part on the tip side of the shaft cylinder.
[Claim 2]	[Claim 2] <u>(Deleted)</u>
A ballpoint pen stated in Claim 1 wherein the tube has many small protrusions on its outside surface.	[Claim 3]
[Claim 3]	A ballpoint pen stated in Claim 1 wherein the tube has multiple ventilation grooves at the same intervals in the axial direction

<p>A ballpoint pen stated in Claim 1 wherein the tube has multiple ventilation grooves at the same intervals in the axial direction on its outside surface.</p> <p>Description (detailed explanation of the invention)</p> <p>...</p> <p>[Embodiment 1]</p> <p>[0012] ... the non-slip member comprising a porous tube is fitted into the grip part on the tip side of the shaft cylinder of the ballpoint pen, which can have the grip part function to absorb sweat.</p> <p>[Embodiment 2]</p> <p>[0013] ... As shown in Figure 2, the provision of many small protrusions on the outside surface of the porous tube can enhance the non-slip function and realize a good sense of grip. ...</p> <p>[Embodiment 3]</p> <p>[0014] ... The provision of multiple ventilation grooves at the same intervals in the axial direction on the outside surface of the porous tube can restrain the stickiness of the surface and maintain a comfortable sense of grip. ...</p>	<p>on its outside surface.</p> <p>Description (detailed explanation of the invention)</p> <p>...</p> <p>[Embodiment 1]</p> <p>[0012] ... the non-slip member comprising a <u>rubber</u> porous tube is fitted into the grip part on the tip side of the shaft cylinder of the ballpoint pen, which can have the grip part function to absorb sweat.</p> <p>[Embodiment 2]</p> <p>[0013] <u>(Deleted)</u></p> <p>[Embodiment 3]</p> <p>[0014] ...The provision of multiple ventilation grooves at the same intervals in the axial direction on the outside surface of the porous tube can restrain the stickiness of the surface and maintain a comfortable sense of grip....</p>
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<p>Drawings</p> <p>...</p> <p>[Figure 2]</p> 	<p>Drawings</p> <p>...</p> <p>[Figure 2] <u>(Deleted)</u></p>
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In the aforementioned example, the correction was made to delete the statement of Claim 2 and delete paragraph [0013] which states Embodiment 2 in the detailed explanation of the invention in response to the invention relating to Claim 2, and also delete [Figure 2] which explains Embodiment 2.

(i) Deletion of a claim

The deleted claim number is left in the scope of claims by stating deleted Claim 2 as "[Claim 2] (Deleted)" without making a correction that moves forward Claim 3 to Claim 2 along with the deletion of [Claim 2].

(ii) Deletion of a paragraph

The deleted paragraph number is left in the description by stating deleted paragraph [0013] as "[0013] Deleted" without making a correction that moves forward paragraph [0014] and subsequent paragraphs one by one along with the deletion of paragraph [0013].

Incidentally, embodiment numbers, etc. become discontinuous along with the deletion of this paragraph (Embodiment 2 is deleted), but there is no problem as is.

(iii) Deletion of a figure

The number assigned to the deleted figure is left in the drawings by stating deleted [Figure 2] as "[Figure 2] (Deleted)" without making a correction that moves forward Figure 3 and subsequent figures one by one along with the deletion of Figure 2.

By making a correction in such manner, the patentee can prevent the displacement of claim numbers, paragraph numbers, drawing numbers, etc. before and after the correction and can thereby prevent occurrence of "lack of easiness to see."

(Revised Sep. 2018)

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.

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