

45-19 P U D T
Dismissal by Trial/Appeal Decision

When a demand/request for trial/appeal falls under any of the following reasons, the demand/request is dismissed by trial/appeal decision without order of amendment due to unlawful demand/request (Patent Act Article 135, Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56).

- (1) A demand/request for trial/appeal outside the period of demanding /requesting the trial/appeal (→45-20)
- (2) A demand/request made by a part of joint applicants(→45-20, 22-03)
- (3) A demand/request with a part of co-owners of the right as a demandee (→45-20)
- (4) A demand/request with a person who is not a patent owner as a demandee (→45-20)
- (5) A demand/request without any subject matter
- (6) A demand/request by a person who resides outside Japan without a patent administrator
- (7) A demand/request after a period of exclusion
- (8) In a trial for cancellation of registered trademark not in use, a demand against a trademark for which 3 years has not been passed since an establishment of the registration of the trademark right
- (9) When more than one appeal against an examiner's decision of refusal is filed to the same patent application, an appeal other than the first appeal

(Revised Feb. 2015)