

54-00 P

Trial for Correction

1. Purport of the System

A trial for correction ensures a patentee's right to voluntarily correct the description, claims, or drawings attached to an application, to take preventive measures against a request for a trial for invalidation when a patent is partially defective, or to preclude a dispute by clarifying an ambiguous part in a patented invention (the Patent Act Article 126).

A trial for correction is often associated with other cases, including a trial for invalidation, an opposition to grant of patent, a request for advisory opinion (*Hantei*), and an infringement, and might affect the conclusion of a trial and appeal decision, a decision, and/or a court decision. Therefore, conducting the proceedings as early as possible is desirable. When a request for a trial for invalidation or for an opposition to grant of patent has been filed after a request for a trial for correction, request for correction may be filed during the trial for invalidation or the opposition to grant of patent proceedings. Therefore, the request for a trial for correction shall be carefully considered in the proceedings in relation to the request of correction (→51-22, 67-10).

2. History of Law Amendment

(1) Act Amended by Act No. 63 of 2011 (Entered into force on April 1, 2012)

With the amendment, the concept “a group of claims” was introduced, and a prohibition was defined against filing a request for a trial for correction after instituting a suit for canceling a trial decision of a patent trial for invalidation. The Act shall be applicable to a request for a trial for correction filed on or after April 1, 2012 (2011 Revised Act Supplementary Provision 2 (18)).

(2) Act Amended by Act No. 36 of 2014 (Entered into Force on April 1, 2015)

Owing to the introduction of an opposition to grant of patent, the Act was amended defining that a request for a trial for correction cannot be filed from an opposition to grant of patent becomes pending before the Japan Patent Office until a decision of the opposition becomes final. No transitional measure is taken.

(Revised Jun.2019)