

## **54-01 P**

### **Request for a Trial for Correction**

#### **1. Outline**

A Request for a trial for correction may be filed with regard to “the description, claims, or drawings attached to the application” (Note: the Patent Act Article 126(1); the Patent Registration Order Article 16 (ii)).

For instance, an application, an abstract, a patent gazette, etc. may not be corrected. (Note) With regard to an application filed on or before June 30, 2003, an amendment or a correction for the description was filed in the previous format (the Supplementary Provision of Ministerial Ordinances Article 2 (1)); therefore, the subject of the request for a trial for correction is “the description or drawings attached to the application.”

“The description, claims, or drawings attached to the application” imply the one(s) at the time of registration of the patent right’s establishment. However, if other trial decisions become final and binding in a trial for correction, a trial for invalidation wherein a request for correction is granted, or a request for opposition to grant of patent wherein a request for correction is granted, before the request of the said trial for correction, the subject of the request is the description, claims or drawings corrected at that time (the Patent Act Article 134-2 (9); the Patent Act Article 128; the 1994 Patent Act Article 120-4 (3); the 1994 Patent Act Article 128).

#### **2. Correction in General (→38-00)**

#### **3. Group of Claims (→38-01)**

#### **4. Correction of Description or Drawings (→38-02)**

(Revised Jun.2019)