

61-02 P D T
Party Concerned of
Appeal Against Examiner's Decision of Refusal

1. Appellant

(1) An appellant is a person who has received a decision of refusal (including a successor) (Patent Act Article 121(1), Design Act Article 46(1), Trademark Act Articles 44(1), 68(4), Supplementary Provisions of the Trademark Act Article 13)(Note).

(Note)

A. A person who receives a decision of refusal is an appellant, i.e., a person who has a right to obtain a patent.

B. When a co-owner of the right to obtain a patent requests an appeal for the right jointly owned, all co-owners should jointly file the request (Patent Act Article 132(3), Design Act Article 52, Trademark Act Articles 56(1), 68(4)).

(2) Handling of a request for appeal filed by a part of joint applicants (→22-03 3.(1))

2. Intervention

Regarding an appeal against examiner's decision of refusal, a provision of an intervention (Patent Act Article 148, Design Act Article 52, Trademark Act Articles 56(1), 68(4)) or a provision of an application of intervention (Patent Act Article 149, Design Act Article 52, Trademark Act Articles 56(1), 68(4)) is not applied (→61-06 9., →21-08 1.(11)).

(Revised Feb 2015)