

**83-00.5 P U D T**  
**Appeal Against a Chief Administrative Judge 's Decision**  
**to Dismiss**

An appeal against a decision to dismiss made by a chief administrative judge is a request for examination against the Commissioner of the JPO (A decision to dismiss the procedure under Patent Act Article 133(3) (not including a decision to dismiss a written request under Patent Act Article 133(3)), Patent Act Article 133-2).

1. A “decision to dismiss made by a chief administrative judge” is an administrative disposition made by the Administrative Agency. The Patent Act does not have any provisions for an appeal against the decision, however, an appeal may be filed under the Administrative Complaint Review Act.

From the point of view of a purport of the system of the administrative complaint review, an appeal under the Administrative Complaint Review Act is preferable to be filed against the administrative agency other than the agency making a disposition. Therefore, when there is a complaint against the decision to dismiss made by a chief administrative judge, an examination may be requested against the Commissioner of the JPO.

2. A “request for examination against the Commissioner of the JPO” does not bring any changes in a relationship under the Patent Act between the Commissioner of the JPO and a chief administrative judge under the Administrative Complaint Review Act.

3. The Tokyo High Court (the IP High Court) has exclusive jurisdiction over any appeal against a decision to dismiss a written request for correction (Patent Act Article 178(1)).

(Revised Feb 2015)