
Patent Registration Order

(Order No. 39 of March 24, 1960)

Final revision: Cabinet Order No. 370 of December 2, 2011

(Unenforced until Final Revision)

Cabinet Order No. 370 of December 2, 2011 (Unenforced)

The Cabinet shall establish this Cabinet Order on the basis of the provisions of the Patent Law (Order No. 121 of 1959) Article 27, paragraph 2.

Chapter 1. General Provisions (Article 1 to Article 8-bis)

Chapter 2. Patent Register and Closed Patent Register (Article 9 to Article 14)

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Supplemental Provisions

Chapter 1. General Provisions

(Matters to be Registered)

Article 1. Regarding a registration concerning a patent, the following matters shall be registered in addition to those listed in Article 27, paragraph 1, each item of the Patent Law.

- (1) Final and conclusive trial decision of a patent invalidation trial, a trial for invalidation of a registration of extension of term, or a trial for correction
- (2) Final and conclusive trial decision of retrial
(Provisional Registration)

Article 2. A provisional registration shall be made in the following cases.

- (1) Where the requirements of the procedures necessary for the application of the registration are not satisfied
- (2) Where it is intended to preserve a claim with regards to the establishment, transfer, change, or extinction of a patent right, an exclusive license, a non-exclusive licensee, or a right of pledge on these rights, or where the claim is a claim with a designated time of commencement or with a condition precedent or any other claim that is expected to be fixed in the future.
- (3) Where it is intended to preserve a claim with regards to the establishment, transfer, change, or extinction of a provisional exclusive license or a provisional non-exclusive license, or where the claim is a claim with a designated time of commencement or with a condition precedent or any other claim that is expected to be fixed in the future.
(Preliminary Registration)

Article 3. A preliminary registration shall be made in the following cases.

- (1) Where a suit for cancellation of registration by invalidation or revocation of the grounds for registration or a suit for restoration of cancelled registration is filed. However, this is limited to the cases when invalidating or revoking the grounds for registration can be effective against a third party without knowledge.
- (2) Where a request for an arbitration decision or its revocation is filed.

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- (3) Where an objection is made or an action (excluding the action of Article 183, paragraph 1 of the Patent Law) is instituted against the arbitration decision or its revocation.
 - (4) Where a demand for a patent invalidation trial, a trial for invalidation of a registration of extension of term, or a trial for correction is filed.
 - (5) Where a demand for a retrial is filed.
(Supplementary Registration)

Article 4. Registration of the following matters shall be made by a supplementary note.

- (1) Change or correction of the indication of the registered owner
- (2) Change or correction of the indication of the person having a right to obtain a patent with regards to a patent application with regards to a provisional exclusive license or a registered provisional non-exclusive license
- (3) Correction of registration under Article 41, paragraph 1 (excluding correction of the indication of the registered owner and the correction of the indication of the person having a right to obtain a patent with regards to a patent application with regards to a provisional exclusive license or a registered provisional non-exclusive license)
- (4) Change with regards to a right of pledge by the transfer of the right of pledge or trust
- (5) Restoration of partially cancelled registration

Article 5. Registration of the following matters shall be made by a supplementary note only when there is no registered third party having an interest, or when a written approval of a registered third party having an interest or a copy or an abstract of the court trial which may be asserted against the third party is attached to a written application.

- (1) Change of rights other than the patent right (excluding change of rights other than the patent right by trust)
- (2) Correction of the registration (excluding correction of the indication of the registered owner, correction of the indication of a person who has a right to obtain a patent with regards to a patent application with regards to a provisional exclusive

license or a registered provisional non-exclusive license, and correction of the registration under Article 41, paragraph 1) (Order)

Article 6. The order of priority of rights registered in relation to the same patent right or any right relating to a patent, unless otherwise provided for in laws and regulations, is based on the chronological order of registration.

Article 7. The order of supplementary registration is based on the order of the main registrations, and the order of the supplementary registrations is based on the chronological order of registration.

Article 8. When the provisionally registered matters are definitively registered, the order is based on the chronological order of the provisional registration.

Article 8-bis. The provisions of the preceding Articles 7 and 8 shall apply mutatis mutandis to the provisional registration (Hereinafter, referred to as "preserved provisional registration" following the provisional disposition under Article 53, paragraph 2 of the Civil Provisional Remedies Act (Act No. 91 of 1988) as applied mutatis mutandis pursuant to the Civil Provisional Remedies Act Article 54.

Chapter 2. Patent Register and Closed Patent Register

(Scope of Patent Register)

Article 9. The patent register shall be the patent registration register, the patent provisional license register, the register of the request for retrial against trial decision for rejection concerning patent, and the patent trust register.

2. The specification, claims and the drawings for the patented invention (when the matters described in the specification and claims and the contents of the drawings are recorded in a file specified in Article 3, paragraph 2 of the Act on Special Provisions of Procedures, etc. concerning Industrial Property Rights (Act No. 30 of 1990 (which will be hereinafter referred to as the "Special Provision Act") under the provisions of the Special Provision Act, the record of the file), shall be deemed

to be a part of the patent registration register, excluding the application of the provision of Article 10, paragraph 1.

3. Where the gist of the trial decision with regards to the matters listed in the items of Article 1 has been registered in the patent registration register or the register of the request for retrial against decision for rejection on the basis of the original of the trial decision, the original (in the case when the contents of the trial decision are recorded in a file specified in the Special Provisions Act Article 3, paragraph 2, under the provisions of the Special Provision Act, the record of the file), shall be deemed to be a part of the patent registration register or the register of the request for retrial against decision for rejection concerning patent, excluding the application of the provisions of Article 10, paragraph 1.

(Preparation, etc., of Patent Register)

Article 10. The patent register shall be prepared with magnetic tapes, and the method for preparation shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

2. The patent provisional license register, the register of the request for retrial against decision for rejection concerning patent, and the patent trust register shall be prepared with books, and the format and the method of recording shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.
3. The kinds of annexed documents of the patent register shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

(Loss)

Article 11. When the whole or a part of the patent register is lost, the Minister of Economy, Trade and Industry shall make notice that a person filing the application for restoration of the registration within a specified period of no less than three months has order in the patent register.

2. The application prescribed in the preceding paragraph and the procedures for registration thereupon shall be separately provided for by a Cabinet Order.

(Closed Patent Register)

Article 12. Where a registration of the lapse of patent right is made, the Director General of the Patent Office shall move the registration concerning the patent right in the patent register to the closed patent register as stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

2. When the establishment of a patent right has been registered with regards to a patent application concerning a provisional exclusive license or a registered provisional non-exclusive license, the patent application has been abandoned, withdrawn or dismissed, or when an Examiner's decision or a trial decision to reject the patent application has become conclusive, the Director General of the Patent Office shall move the registration concerning the provisional exclusive license or the provisional non-exclusive license in the patent provisional license register to the closed patent register as stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

Article 13. Deleted

Article 14. Deleted

Chapter 3. Procedures for Registration

Section 1. General Provisions

(When Registration is made)

Article 15. The registration, unless otherwise provided for in laws and regulations, shall not be made if there is no application, commission, or order.

2. The provisions concerning a registration by an application, unless otherwise provided for in laws and regulations, shall apply mutatis mutandis to the procedures for registration by commission or order.

(Ex officio Registration)

Article 16. The Director General of the Patent Office shall, ex officio make a registration of the following matters.

(1) The establishment of the patent right, extension of the term of a patent right, lapse (excluding those by abandonment), or restoration

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- (2) Correction of the specification, claims, or drawings by a trial or retrial
 - (3) Establishment of an exclusive license deemed to have been granted pursuant to the provisions of Article 34-bis, paragraph 2 of the Patent Law
 - (4) Establishment of a non-exclusive license deemed to have been granted based on a registered provisional non-exclusive license under Article 34-ter, paragraph 2 or paragraph 3 of the Patent Law
 - (5) Extinguishment of exclusive license, non-exclusive licensee, provisional exclusive license, provisional non-exclusive license, or right of pledge, due to merger
 - (6) Extinguishment of an exclusive license or a non-exclusive licensee by the revocation under Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) Article 100, paragraph 3
 - (7) Grant of a non-exclusive license by an arbitration decision under the provisions of Article 83, paragraph 2 or Article 92, paragraph 3 or paragraph 4 of the Patent Law, or extinguishment of the non-exclusive license due to revocation of the arbitration decision
 - (8) Establishment of a provisional exclusive license deemed to have been granted pursuant to the provisions of Article 34-bis, paragraph 5 of the Patent Law
 - (9) Establishment of a provisional non-exclusive license deemed to have been granted on the basis of a registered provisional non-exclusive license under Article 34-ter, paragraph 5 or paragraph 6 of the Patent Law
 - (10) Change of a person who has a right to obtain a patent for a patent application with respect to a provisional exclusive license or a registered provisional non-exclusive license in the case that the notification under Article 34, paragraph 4 or paragraph 5 of the Patent Law has been made regarding the right to obtain a patent
 - (11) Extinguishment of a provisional exclusive license under Article 34-bis, paragraph 6 of the Patent Law, or the extinguishment of a provisional non-exclusive license under Article 34-ter, paragraph 7 or paragraph 8 of the Patent Law

(12) Final and conclusive trial decision of a patent invalidation trial, a trial for invalidation of a registration of extension of term, or a trial for correction

(13) Final and conclusive trial decision of retrial

(Order Concerning Registration)

Article 17. Where an arbitration decision was rendered ordering a non-exclusive license to be granted under Article 93, paragraph 2 of the Patent Law or the arbitration decision was rescinded, or where an objection was filed with regards to the arbitration decision or its rescission and it was determined that there are grounds for the objection, the Minister of Economy, Trade and Industry shall order the Director General of the Patent Office to take reasonable measures concerning the registration.

(Application for Registration)

Article 18. The registration shall, unless otherwise provided for in laws and regulations, be applied for by the person entitled to demand registration and the person obliged to register.

Article 19. The registration, where a written approval of the person obliged to register is attached to a written application, may be applied for only by the person entitled to demand registration.

Article 20. Registration by a court judgment or inheritance or other general succession may be applied for only by the person entitled to demand registration.

Article 21. Registration of change or correction of indication of a registered owner may be applied for only by the registered owner.

Article 22. Deleted

Article 23. The provisional registration, where the original of provisional disposition order is attached to the written application, may be applied for only by the person entitled to demand provisional registration.

2. The provisional disposition order of the preceding paragraph shall be issued by the district court that has jurisdiction over the domicile or residence of the person obliged to perform provisional registration or the location of property under Article 15 of the Patent Law upon request from the person entitled to demand the provisional registration when the person entitled to demand

the provisional registration has made a prima facie showing of the reason for the provisional registration.

3. The person entitled to demand provisional registration may file an immediate appeal against a decision to reject the request of the preceding paragraph.

4. The provisions of the Non-Contentious Cases Procedures Act (Act No. 14 of 1898) shall apply mutatis mutandis to the immediate appeal of the preceding paragraph.

(Commission for Registration of Restriction, etc., on Disposition)

Article 24. Where there is a judgment for the restriction on the disposition or a judgment for lifting of the restriction with regards to the patent right or any right relating to a patent, a court clerk shall by his/her own authority, without delay, attach a copy or abstract of the judgment to the written commission, and commission a registration of the restriction on the disposition or a cancellation of the registration to the Patent Office.

2. In the case of the preceding paragraph, when it is necessary, the court clerk shall, by his/her own authority, commission the change or correction of the indication of the registered owner or the registration of the transfer of the right by inheritance or other general succession to the Patent Office.

(Commission of the Preliminary Registration)

Article 25. Where an action listed in Article 3, item 1 or item 3 has been filed, a court clerk shall, by his/her own authority, without delay, attach a copy or abstract of the complaint to the written commission and commission a preliminary registration to the Patent Office.

(Order of the Preliminary Registration)

Article 26. The Minister of Economy, Trade and Industry shall, where there is a request of Article 93, paragraph 2 of the Patent Law or a request of Article 90, paragraph 1 of the Patent Law as applied mutatis mutandis pursuant to Article 93, paragraph 3 of the Patent Law, or where there is an objection to an arbitration decision or its revocation, attach a copy or an abstract of the request or written objection to the written order, and order a preliminary registration.

(Ex Officio Preliminary Registration)

Article 27. The Director General of the Patent Office shall, where there is a request of Article 83, paragraph 2 of the Patent Law, Article 90, paragraph 1 (including the cases where applied mutatis mutandis pursuant to Article 92, paragraph 7 of the Patent Law), or Article 92, paragraph 3 or paragraph 4, where there is an objection to an arbitration decision or its revocation, or the request provided for in Article 3, item 4 or item 5, by his/her own authority, perform the preliminary registration.

(Written Application)

Article 28. The written application shall describe the following matters, and the applicant shall sign his/her name and affix his/her seal thereto.

- (1) The patent number (where the purpose of the registration concerns a provisional exclusive license or a provisional non-exclusive license, the indication of the patent application concerning the application of the registration of the provisional exclusive license or the provisional non-exclusive license)
- (2) Where the purpose of the registration concerns a right other than the patent right, an indication of the right
- (3) The name and the domicile or residence of the applicant
- (4) Where the registration is made by a representative, the name and the domicile or residence thereof
- (5) Where the person entitled to demand registration is a foreign national, the national origin thereof
- (6) The purpose of the registration

(Joint Applications)

Article 29. The registration concerning two or more patent rights, utility model rights, design rights, trademark rights, or rights relating thereto, may be applied for with the same written application provided that the purpose of the registration is the same.

(Documents to be attached to the Written Application)

Article 30. The applicant shall attach the following documents to the written application, and submit them to the Director General of the Patent Office.

- (1) Document certifying the grounds of the registration

(2) Where the permission, approval, consent, or the authorization of a third party is required with regards to the grounds of the registration, documents certifying the same

2. Where the document listed in item 1 of the preceding paragraph is an executable judgment, it is not necessary to attach the documents listed in item 2 of the preceding paragraph.

3. In the case prescribed in paragraph 1, item 2, where the third party has signed and affixed his/her seal to the written application, it is not necessary to attach the documents listed in the same item.

(Documents Ordered to be Submitted by the Director General of the Patent Office)

Article 30-bis. When the Director General of the Patent Office finds it necessary regarding the procedures of the application for registration, the Director General may order the submission of the following documents, designating an adequate time limit.

(1) Where the applicant is a foreign national, documents certifying his/her national origin

(2) In the case when the applicant is a foreign national, and his/her country (excluding countries provided by notification) is not a country party to the Paris Convention (meaning the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 21, 1958, and at Stockholm on July 14, 1967), not a member of the World Trade Organization, or not a country having an agreement with Japan for the mutual protection relating to patents, any of the following documents

A. Documents certifying that she/he is domiciled or has a real and effective industrial or commercial establishment in the territory of one of the countries of the Union or the members of the World Trade Organization

B. Documents certifying that his/her country allows Japanese nationals to enjoy patent rights or other rights relating to a patent under the same conditions as its own nationals

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- C. Documents certifying that his/her country allows Japanese nationals to enjoy patent rights or other rights relating to a patent under the same conditions as its own nationals, provided that Japan allows his/her country's nationals to enjoy such rights
- (3) Documents certifying that he/she is a legal entity
 - (4) A copy or abstract of a family register or a residence certificate, or a certificate of the registered matters or documents equivalent thereto

(Subrogation of Creditor)

Article 31. The creditor shall, where the creditor subrogates the obligor and applies for the registration under Article 423 of the Civil Law (Act No. 89 of 1896), state the following matters in the written application, and, shall attach documents certifying the grounds for the subrogation.

- (1) The names and the domiciles or residences of the creditor and the obligor

- (2) Grounds for subrogation

(Statement of Matters Concerning Extinguishment of Rights)

Article 32. Where there is a provision on the matters concerning the extinguishment of the right which is the purpose of the registration in the grounds of the registration, the matters may be stated in the written application.

(Statement of the Portion of the Respective Shares)

Article 33. Where there are two or more persons entitled to demand registration, when there is a provision on the portion of their respective shares in the grounds for the registration, the portion of their respective shares may be stated in the written application. The same shall apply when an application for the registration for the partial transfer of the patent right or other rights concerning the patent is filed.

- 2. In the case of the preceding paragraph, if there is a provision on Article 73, paragraph 2 of the Patent Law (including the cases where applied mutatis mutandis pursuant to Article 97, paragraph 5 of the Patent Law), or if there is a contract on the proviso of Article 256, paragraph 1 of the same Law as applied mutatis mutandis pursuant to Article 254 of the Civil Law, this may be stated in the written application.

(Restoration of Cancelled Registration)

Article 34. In the case when an application for the restoration of a cancelled registration is filed, where there is a third party who has an interest in the registration, a written approval of the third party or a transcript or abstract of the written judgment which may be duly asserted against the third party shall be attached to the written application.

(Attachment of Copy of Family Register)

Article 35. When falling under any of the following items, the applicant shall attach a copy or abstract of the family register or the residence certificate, a certificate of the registered matters, or other documents which may attest to the fact.

- (1) Where the grounds for registration are based on inheritance or other general succession.
- (2) Where the applicant is the heir or other general successor of the person entitled to demand registration or the person obliged to register.

(Omission of Documents to be Submitted)

Article 36. In the case of simultaneously undertaking the procedures for the applications of two or more registrations, where the contents of the documents to be submitted in the procedures are the same, the documents may be submitted in one procedure, and the submission of the documents may be omitted in the other procedures with a statement to that effect.

2. A person who has already submitted documents to be submitted in the procedures for the application of a registration to the Director General of the Patent Office in any other case may, where there are no changes to the matters, omit the submission of the documents with a statement to that effect. However, the Director General of the Patent Office may, when he/she finds it to be particularly necessary, order the submission of the documents.

(Order of the Registration)

Article 37. Registration by the application shall be made in accordance with the order of reception.

2. An ex officio registration shall be made in accordance with the order in which the grounds for registration were made. However, the registration of the grant of the patent right shall be made

in accordance with the order of the payment of the patent fees for each year from the first to the third years under Article 107, paragraph 1 of the Patent Law.

3. With regard to the application of the provisions prescribed in the proviso to the preceding paragraph to the case when there were exemptions or deferments for the payment of the patent fees, the order in which the exemptions or deferments were granted shall be deemed to be the order in which the payments of the patent fees were performed.

(Dismissal)

Article 38. The Director General of the Patent Office shall dismiss the application for registration in the following cases.

- (1) The matters for which the application for registration was made are not those to be registered.
- (2) The written application does not meet the formality requirements.
- (3) Where the patent number stated in the written application (when the purpose of registration concerns a provisional exclusive license or non-exclusive license, the indication of the patent application for which the application of the registration of the provisional exclusive license or non-exclusive license is filed) or the indication of the rights which is the purpose of the registration is inconsistent with the patent register.
- (4) Excluding the cases under Article 35, item 2, the indication of the person obliged to register stated in the written application is inconsistent with the patent register.
- (5) Excluding an application for a change or correction of the indication of a registered owner, the indication of the applicant, who is the registered owner, is inconsistent with the patent register.
- (6) Excluding the cases under Article 35, item 2, if there is no patent provisional license register for a patent application for which the application for registration of a provisional exclusive license or non-exclusive license has been filed, and if the name or the domicile or residence of the applicant of the patent application is recorded in a file specified in Article 3, paragraph 2 of the Special Provisions Act, in accordance with the provisions

of the Special provisions Act, the name or the domicile or residence of a person who has the right to obtain a patent stated in the written application for registration of the grant of the provisional exclusive license or the provisional non-exclusive license is inconsistent with the record of the file.

(7) The matters described in the written application are inconsistent with the documents certifying the grounds for the registration.

(8) The documents necessary for the application are not submitted.

(9) The registration and license tax is not paid.

2. When dismissing the application under the preceding paragraph, the Director General of the Patent Office shall notify the reasons to the applicant, and shall provide the applicant with an opportunity to submit a document stating an explanation, designating an adequate time limit.

(Change of the Administrative Districts, etc)

Article 39. Where there is a change of the name of the administrative district or land name, the name of the administrative district or land name recorded or described in the patent register shall be deemed to have been changed.

(Correction)

Article 40. The Director General of the Patent Office shall, when an error or omission is discovered with regards to the registration after the registration is finished, notify the person entitled to demand registration and the person obliged to register thereof without delay.

2. The Director General of the Patent Office shall, where the registration concerns an application under Article 31, also notify the creditor of the error or omission under the preceding paragraph.

3. Where there are two or more persons entitled to demand registration or obliged to register or creditors, it shall be sufficient that the notification of paragraph 2 be made to any one of them.

Article 41. If an error or omission is discovered with regards to the registration after the registration is finished and the error or omission is based on the negligence of the Patent Office, the

Director General of the Patent Office shall correct the registration, and, shall notify the person entitled to demand registration, the person obliged to register and a third party having an interest in the registration of the correction of the registration without delay.

2. The provisions of paragraph 2 and paragraph 3 of the preceding Article shall apply mutatis mutandis to the case of the preceding paragraph.

(Change, etc., of Registration of Factory Foundation)

Article 42. Where there is a change or lapse of a patent right or a patent-related right which has been registered to be owned by a factory foundation or an equivalent thereof under the provisions of Article 8, paragraph 1 of the Factory Mortgage Act (Act No. 54 of 1905), the Director General of the Patent Office shall, without delay, notify a competent registration office thereof.

Section 2. Procedures Concerning Patent Right

Article 43. In the case when the application of the registration of the following matters with regards to the patent right is made, where there is a non-exclusive license on the patent right resulting from an arbitration decision under Article 92, paragraph 3 or paragraph 4 of the Patent Law, the application of the registration of the same matters shall be made simultaneously with regards to the non-exclusive license.

- (1) Change with regards to the patent right by transfer or trust
- (2) Change or correction of the indication of the registered owner

Section 3. Procedures Concerning Exclusive Licenses and Non-Exclusive Licenses

(Application for Registration of Grant, etc., of Exclusive License)

Article 44. Where an application for the registration of the grant of an exclusive license is filed, the scope of the exclusive license to be granted shall be stated in the written application.

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2. Where an application for the registration of transfer of an exclusive license is filed, the scope of the exclusive license to be transferred shall be stated in the written application.
 3. When the exclusive license is transferred together with the business in which the patented invention is worked, documents certifying this shall be attached to the written application. (Application for Registration of Grant, etc., of Non-Exclusive License)

Article 45. Where an application for the registration of the grant of a non-exclusive license is filed, the scope of the non-exclusive license to be granted shall be stated in the written application.

2. Where an application for the registration of maintenance or transfer of the non-exclusive license is filed, the scope of the non-exclusive license to be maintained or transferred shall be described in the written application.
3. The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the transfer of the non-exclusive license together with the business in which the patented invention is worked.

Section 3-2. Procedures Concerning Provisional Exclusive License and Provisional Non-Exclusive License

(Application for Registration of Grant, etc., of Provisional Exclusive License)

Article 45-bis. Where an application for the registration of the grant of a provisional exclusive license is filed, the following matters shall be described in the written application.

- (1) The scope of the provisional exclusive license to be granted
 - (2) In cases when there is a special provision under the proviso to Article 34-bis, paragraph 5 of the Patent Law, a statement to that effect
2. Where an application for the registration of transfer of a provisional exclusive license is filed, the scope of the provisional exclusive license to be transferred shall be described in the written application.

3. When the provisional exclusive license is transferred together with the business in which the invention according to the patent application is worked, documents certifying this shall be attached to the written application.

(Application for Registration of Grant, etc., of Provisional Non-Exclusive License)

Article 45-ter. Where an application for the registration of the grant of a provisional non-exclusive license is filed, the following matters shall be described in the written application.

(1) The scope of the provisional non-exclusive license to be granted

(2) In cases when there is a special provision under the proviso to Article 34-ter, paragraph 5 of the Patent Law or the proviso to Article 34-ter, paragraph 6, a statement to that effect

2. Where an application for the registration of transfer of a provisional non-exclusive license is filed, the scope of the provisional non-exclusive license to be transferred shall be described in the written application.

3. The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the transfer of the provisional non-exclusive license together with the business in which the invention according to the patent application is worked.

(Application for Registration of Change or Correction of Indication of Person who has Right to Obtain Patent)

Article 45-quarter. The registration of a change or correction of the indication of a person who has a right to obtain a patent concerning a patent application on which a provisional exclusive license or a registered provisional non-exclusive license has been granted may be applied for by only the person who has a right to obtain a patent.

Chapter 4. Procedures Concerning Pledge

(Application for Registration of Grant of Pledge)

Article 46. Where an application for the registration of the grant of a pledge is filed, the following matters shall be described in the written application.

(1) Indication of the right which is the subject of a pledge

(2) Amount of the claim

(3) Where the extension of the term, the due date, interest, penalty, or the amount of compensation is specified in the grounds for the registration, there is an exception provided under Article 95 of the Patent Law, there is an exception provided under the proviso of Article 346 of the Civil Law, or where there are conditions governing the claim, such specified matter, exceptions or conditions.

(4) The name and the domicile or residence of the obligor

2. Where an application for the registration of the grant of the right of pledge which is a security for the claim, the amount of which is not fixed is filed, the amount of the claim shall be stated in the written application.

(Application for Registration in the Case of Disposition of Right of Pledge)

Article 47. The provision of paragraph 1 of the preceding Article shall apply mutatis mutandis to the application for registration when the pledge is made as the security for another claim, the pledge is transferred, or the pledge is abandoned under the provisions of the Civil Law.

(Application for Registration of Subrogation)

Article 48. Where the application for registration of subrogation is filed under the provisions of the Civil Law, the patent right or other rights concerning a patent for which payment was received by a pledgee having a higher priority shall be indicated in the written application, and its cost and the amount of payment received shall be stated in the written application.

(Application for Registration of Transfer due to Partial Transfer of the Claim, etc)

Article 49. Where the application for registration of the transfer of the right of pledge by partial transfer of the claim or subrogation is filed, the amount of the claim which is the subject of the transfer or the subrogation shall be stated in the written application.

Chapter 5. Procedures Concerning Cancellation

(Cancellation of Registration due to Abandonment)

Article 50. The application for the cancellation of the registration by the abandonment of the patent right or other rights relating to a patent may be filed only by the registered owner.

(Cancellation of Registration due to Death)

Article 51. In the case when a registered right other than a patent right was extinguished by the death of a person, where a copy or an abstract of the family register certifying the death, or documents equivalent thereto is attached to the written application, the application for the cancellation of the registration may be filed only by the person entitled to demand registration.

(Cancellation of Registration When the Whereabouts of the Person Obligated to Register Is Unknown)

Article 52. The person entitled to demand registration may, where the application for the cancellation of the registration may not be filed due to the whereabouts of the person obliged to register being unknown, file a petition for public notification under Article 141 of the Non-Contentious Cases Procedures Act.

2. In the case of filing the petition of the preceding paragraph, where the order of nullification prescribed under Article 148, paragraph 1 of the Non-Contentious Cases Procedures Act is made, the application for the cancellation of the registration may be filed only by the person entitled to demand registration when a copy or abstract of the decision is attached to the written application.

3. In the case prescribed in paragraph 1, where the claim deed or the receipt of the original and the receipt of payment of the registered debt are attached to the written application, the application for the cancellation of the registration concerning the right of pledge may be filed only by the person entitled to demand registration.

(Cancellation of Provisional Registration)

Article 53. The application for the cancellation of a provisional registration may be filed only by the provisionally registered person.

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2. Where a written approval of the provisionally registered person or a copy or abstract of the decision which may be duly asserted thereagainst is attached to the written application, the application for the cancellation of a provisional registration may be filed only by a person having an interest in the registration.

(Cancellation of Preliminary Registration)

Article 54. Were the decision to dismiss the action under Article 3, item 1 or item 3, or the ruling against the person who filed the action has become conclusive, where the action was withdrawn, where the request was abandoned, or where there was a settlement with regards to the purpose of the request, the court clerk of first instance shall, by his/her own authority, attach a transcript or an abstract of the decision, or documents certifying the withdrawal of the action, the abandonment of the request, or the settlement to the written commission and commission the cancellation of the preliminary registration to the Patent Office without delay.

2. Where the request, or the objection to the arbitration decision or the revocation thereof, as prescribed in Article 93, paragraph 2, Article 90, paragraph 1 (including its application under Article 93, paragraph 3) of the Patent Law was dismissed, where a disposition or judgment that the request or the objection was unacceptable was made, or where the request or the objection was withdrawn, the Minister of Economy, Trade and Industry shall order the cancellation of the preliminary registration.
3. Where the request, or the objection to the arbitration decision or the revocation thereof, as prescribed in Article 83, paragraph 2, Article 90, paragraph 1 (including its application under Article 92, paragraph 7), or Article 92, paragraph 3 or paragraph 4 of the Patent Law was dismissed, where a disposition or judgment that the request or the objection was unjustifiable was made, or where the request or the objection was withdrawn, the Director general of the Patent Office shall cancel the preliminary registration. With regards to the request prescribed in Article 3, item 4 or item 5, the same shall apply where a judgment to dismiss the written request became conclusive, or a trial decision to

dismiss the request or that the request was unjustifiable became conclusive, or the request was withdrawn.

4. In addition to the provisions of the three preceding paragraphs, where the registration was cancelled or restored by nullities or revocation of the grounds for the registration, or where the facts which caused the grounds of the preliminary registration were extinguished, the Director General of the Patent Office shall cancel the preliminary registration ex officio.

(Cancellation of the Registration in the Case when there is a Third Party Having an Interest)

Article 55. Where there is a third party having an interest in the registration in the case when an application for the cancellation of the registration is filed, a written approval of the third party or a copy or an abstract of the judgment which may be duly asserted against the third party shall be attached to the written application.

(Cancellation of Registration after registration of Provisional Disposition)

Article 55-bis. With regards to the patent right, after the provisional disposition was registered (excluding the registration made together with the provisional registration for the purpose of preservation. The same shall apply in this Article and the following Article), under Article 53, paragraph 1 of the Civil Provisional Remedies Act as applied mutatis mutandis under Article 54 of the Civil Provisional Remedies Act), in the case when the creditor of the provisional disposition files a registration (excluding the provisional registration) with regards to the patent right, designating the obligor of the provisional disposition as the person obliged to register, an application for the cancellation of the registration made after the registration of the provisional disposition may be filed only by the creditor.

2. Where an application for the cancellation of the registration under the preceding paragraph is filed, documents certifying that the notification under Article 59, paragraph 1 of the Civil Provisional Remedies Act as applied mutatis mutandis under Article

61 of the Civil Provisional Remedies Act has been made shall be attached to the written application.

3. The Director General of the Patent Office shall, when a registration made after the registration of the provisional disposition was cancelled under paragraph 1, cancel the registration of the provisional disposition ex officio.

Article 55-ter. The provisions of paragraph 1 and paragraph 2 of the preceding Article shall apply mutatis mutandis to the case when the creditor of the provisional disposition files an application for registration (excluding provisional registration) with regards to the transfer or extinguishment of the right, designating the obligor of the provisional disposition as the person obliged to register, after making the registration of the provisional disposition under Article 53, paragraph 1 of Civil Provisional Remedies Act as applied mutatis mutandis under Article 54 of the Civil Provisional Remedies Act with regards to rights other than the patent right.

2. The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the case when the registration made after the registration of the provisional disposition was cancelled under paragraph 1 of the preceding Article as applied mutatis mutandis under the preceding paragraph.

Article 55-quarter. In the case when an application for a definitive registration is filed after a provisional registration for the purpose of preservation was made with regards to an exclusive license, an application for the cancellation of the registration of an exclusive license, a non-exclusive license, or a pledge on these licenses, made after the registration of the provisional disposition may be filed only by the creditor of the provisional disposition concerning the provisional registration for the purpose of preservation.

2. In the case when an application for a definitive registration is filed after the provisional registration for the purpose of preservation was made with regards to a provisional exclusive license, an application for the cancellation of the registration with regards to the provisional exclusive license or non-exclusive license, made after the registration of the provisional

registration may be filed only by the creditor of the provisional disposition concerning the provisional registration for the purpose of preservation.

3. The provision of Article 55-bis, paragraph 2 shall apply mutatis mutandis to the application for cancellation under the two preceding paragraphs.

(Cancellation of Registration of Prohibition of Disposition)

Article 55-quinquies. The Director General of the Patent Office shall, where the definitive registration was made after the provisional registration for the purpose of preservation, cancel the registration of prohibition of disposition made together with the provisional registration for the purpose of preservation, by his/her own authority.

Chapter 6. Procedures Concerning Trust

(Method for Applying for Registration of Trust)

Article 56. The registration of a trust of the patent right or other rights concerning the patent may be filed only by the trustee.

(Special procedures of Application for Registration of a Change Regarding Rights)

Article 57. The registration of the change of the patent right or any right relating to a patent by a trust made in accordance with methods listed in Article 3, paragraph 3 of the Trust Law (Act No. 107 of 2006) may be applied only by the trustee.

(Procedures of Application for Registration of Trust)

Article 58. Where the application for registration of trust is filed, documents stating the following matters shall be attached to the written application.

- (1) The name and the domicile or residence of the consignor, the consignee, and the beneficiary
- (2) The provision regarding the conditions on the designation of the beneficiary or the method of specifying the beneficiary, if any
- (3) The name and the domicile or residence of a trust administrator, if any

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- (4) The name and the domicile or residence of a beneficiary representative, if any
 - (5) In case of a trust issuing a beneficiary certificate under Article 185, paragraph 3 of the Trust Law, a statement to that effect
 - (6) In case of a trust which does not specify the beneficiary under the Trust Law Article 258, paragraph 1, a statement to that effect
 - (7) In case of a charitable trust under Article 1 of the Act on Charitable Trusts (Act No. 62 of 1922), a statement to that effect
 - (8) Purpose of the trust
 - (9) The administration method for the trust property
 - (10) Reason for termination of the trust
 - (11) Other trust clauses

2. Where the documents stating any of the matters listed in items 2 to 6 of the preceding paragraph are attached when the application of the preceding paragraph is filed, it is not necessary to attach documents stating the name and the domicile or residence of the beneficiary of item 1 of the preceding paragraph (limited to the beneficiary who is represented by the beneficiary representative in the case when the matters listed in item 4 of the same paragraph are stated).

3. The Director General of the Patent Office shall register the matters listed in the items of paragraph 1, by his/her own authority, in the patent trust register.

Article 59. The beneficiary or consignor may file an application for the registration of a trust subrogating the trustee.

2. The provision of Article 31 shall apply mutatis mutandis to the application under the preceding paragraph. In this case, documents certifying that the patent right or other rights concerning the patent which is the subject of the registration is a trust property shall be attached to the written application.

Article 60. The application for the registration of trust shall be made at the same time as the application for the registration of the transfer or change of the trusted patent right, or the application for the registration of the establishment, transfer or change of rights other than the trusted patent right.

Article 61. The application for the cancellation of the registration of trust to be made in the case when the patent right or other patent-related rights that have belonged to a trust property no longer belong to a trust property as a result of the transfer or change shall be filed at the same time as the application for the registration of the transfer or change of the patent right or other patent-related rights.

2. The cancellation of the registration of trust may be applied for only by the trustee.

(Change of Trustee)

Article 62. In the case when there is a change of the trustee, where an application for the registration of the transfer of the patent right or other rights relating to a patent is filed, documents certifying the change shall be attached to the written application.

2. The provision of the preceding paragraph shall apply mutatis mutandis to the registration of a change to be made under the body of Article 86, paragraph 4 of the Trust Law.

Article 63. When the trustee's duties have been terminated due to the trustee's death, a decision to commence bankruptcy proceedings, a trial decision to commence the guardianship or curatorship, the dissolution of a legal entity by reasons other than the merger, or a dismissal order by the court or competent government agency (including a national government administrative agency to which the authority of the competent government agency is delegated, and a prefectural executive agency that administers affairs under the jurisdiction of said competent government agency. The same shall apply hereinafter), the application for the registration of paragraph 1 of the preceding Article may be filed only by the new trustee.

2. In the case when there are two or more trustees, where the duties of one or some of the trustees have been terminated due to the reasons under the preceding paragraph, the application for the registration of Article 62, paragraph 2 may be filed only by the remaining trustee(s).

Article 64. When there was a judgment for dismissal of the trustee, or a judgment for appointment or dismissal of a trust administrator

or a beneficiary representative, the court clerk shall, by his/her own authority, without delay, commission the Patent Office to perform the registration in the patent trust register.

Article 65. When the competent government agency has dismissed a trustee, or appointed or dismissed a trust administrator or a beneficiary representative, the competent government agency shall, without delay, commission the Patent office to perform the registration in the patent trust register.

Article 66. The court clerk shall, where there was a judgment for ordering the change of the trust, by his/her own authority, without delay, commission the Patent office to perform the registration in the patent trust register.

2. When the competent government agency has ordered a change of the trust, the competent government agency shall, without delay, commission the Patent Office to perform the registration in the patent trust register.

Article 67. The Director General of the Patent Office shall, where the registrations listed below in the patent register or patent provisional license register with regard to the patent right or other patent-related rights belonging to a trust property are made, make the registration in the patent trust register ex officio.

(1) The registration of the transfer of rights under Article 75, paragraph 1 or paragraph 2 of the Trust Law

(2) The registration of a change of rights under Article 86, the body of paragraph 4 of the Trust Law

(3) The registration of a change or correction of the name or the domicile or residence of the registered owner who is the trustee

Article 68. Excluding the cases specified in Article 64 to Article 67, where there are changes of the matters listed in the items of Article 58, paragraph 1, the trustee shall, without delay, attach documents certifying the change, and file the application for registration of the change in the patent trust register.

2. The beneficiary or the consignor may file the application under the preceding paragraph subrogated to the trustee.

3. The provision of Article 31 shall apply mutatis mutandis to the application under the preceding paragraph.

(Special Provisions for Registration of Change, etc., Regarding Rights)

Article 68-bis. In the case when the patent right or other rights relating to a patent are changed from a property that belonged to a trust property of one trust to a property that belongs to a trust property of another trust due to consolidation or splitting of the trusts, the cancellation of the registration of trust with regards to the one trust for the patent right or other rights relating to a patent and the application for the registration of trust with regards to the other trust shall be made at the same time as the application for the registration of a change of the patent right or other rights relating to a patent due to the consolidation or splitting of the trust. The same shall apply when the patent right or other rights relating to a patent are changed from a property that belonged to a trust property of one trust to a property that belongs to a trust property of another trust having the same trustee by reasons other than the consolidation or splitting of the trust.

2. With regards to the registration of a change of the patent right or other rights relating to a patent (excluding the registration under Article 57) in the cases listed in the left column of the following Table directed to the patent right or other rights relating to a patent that belong to a trust property, the persons listed in the middle column of the same Table shall be the persons entitled to demand a registration, and the persons listed in the right column of the same Table shall be the persons obliged to register.

(1) When the patent right or other rights relating to a patent are changed from a property that belonged to the trustee's own property to a property that belongs to the trust property	Beneficiary (If there is a trust administrator, the trust administrator. Hereinafter the same shall apply in this table.)	Trustee
(2) When the patent right	Trustee	Beneficiary

<p>or other rights relating to a patent are changed from a property that belonged to the trust property to a property that belongs to the trustee's own property</p>		
<p>(3) When the patent right or other rights relating to a patent are from a property that belonged to a trust property of one trust to a property that belongs to a trust property of another trust</p>	<p>Beneficiary and the Trustee of the other trust</p>	<p>Beneficiary and the trustee of the one trust</p>

(Statement of Dismissal of Trustee)

Article 69. The Director General of the Patent Office shall, where the dismissal of the trustee was registered in the patent trust register under Article 64 or Article 65, make a statement to that effect in the patent register or the patent provisional license register ex officio.

(Application for Registration in the Case of a Non-Exclusive Licensee granted by Arbitrary Decision)

Article 70. The provision of Article 43 shall apply mutatis mutandis to an application for the registration of the trust of the patent right or its cancellation or an application for the registration in the patent trust register under Article 68, paragraph 1.