

00-01 P U D T**Type of Proceedings: Trials and Appeals**

1. Trials/Appeals

(1) Appeal against examiner's decision of refusal (Patent Act Article 121, Design Act Article 46, Trademark Act Article 44, Supplementary Provisions of the Trademark Act Article 13)

(2) Appeal against examiner's decision to dismiss amendment (Design Act Article 47, Trademark Act Article 45)

(3) Trial for invalidation

(i) Trial for patent (registration) invalidation (Patent Act Article 123, the Old Patent Act Article 184-15 (1) (Applications filed on or before Jun 30, 1995), Utility Model Act Article 37, the Old Utility Model Act Article 48-12 (1) (Applications filed on or before Jun 30, 1995), Design Act Article 48, Trademark Act Article 46)

(ii) Trial for invalidation for registration of an extension of the patent term (Patent Act Article 125-2, Patent Act Article 125-3)

(iii) Trial for invalidation of registration of reclassification of trademark registration (Supplementary Provisions of the Trademark Act Article 14)

(4) Trial for correction (Patent Act Article 126)

(5) Trial for rescission of trademark registration

(i) Trial for rescission of a registered trademark not in use (Trademark Act Article 50)

(ii) Trial for rescission based on misuse of a registered trademark (Trademark Act Articles 51, 53)

(iii) Trial for rescission of trademark registration to prevent confusion arising from transfer of similar trademark (Trademark Act Article 52-2)

(iv) Trial for rescission of trademark registration as a result of unauthorized trademark registration by an agent or representative of the owner of a mark in a country of the Union (Trademark Act Article 53-2).

The provisions concerning trademarks and the supplementary provisions of the Trademark Act apply mutatis mutandis to a trial concerning registration of a defensive trademark (Trademark Act Article 68 (4), Supplementary Provisions of the Trademark Act Article 23).

2. Petition, Application

(1) Opposition (final disposition)

(i) Opposition to grant of patent (Patent Act Article 113)

(ii) Opposition to registration of trademark (Trademark Act Article 43-2)

(2) Other petitions, application for intervention (interim disposition)

(i) Petition for exclusion or recusation (Patent Act Articles 139 ~ 144, 144-2(5), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56 (1) and 68 (4))

(ii) Application for intervention (Patent Act Articles 148, 149, Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56 (1), 68 (4))

(iii) Petition for preservation of evidence (Patent Act Articles 150, 151, Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56 (1), 68 (4))

3. Retrial (Patent Act Article 171 (1), Utility Model Act Article 42 (1), Design Act Article 53 (1), Trademark Act Article 57 (1))

4. *Hantei* (Advisory Opinion) System (Patent Act Article 71 (1), Utility Model Act Article 26, Design Act Article 25 (1), Trademark Act Article 28 (1) and Article 68 (3))

5. Request for Expert Opinion from Court (Patent Act Article 71-2, Utility Model Act Article 26, Design Act Article 25-2, Trademark Act Article 28-2)

6. Inquiry for Opinion of the Director General of Customs (Customs Act Article 69-7 (1) and Article 69-17 (1))

(Revised Dec 2023)