

00-02 PUDT
**Trial and Appeal Proceedings by Electronic Data
Processing Systems**

1. Procedures for the Commissioner of the Patent Office or a Chief
Administrative Judge

Procedures for the Commissioner of the Patent Office or a chief administrative judge and specified by the Ordinance of the Ministry of Economy, Trade and Industry (specific procedures) may be carried out by means of electronic data processing systems (Act on Special Provisions for Procedures Related to Industrial Property Right Article 3(1), Enforcement Regulations of the Act on Special Provisions for Procedures Related to Industrial Property Right Article 10).

The specific procedures are deemed to have been carried out by submitting a document specified in the relevant legal provision that was established on the presumption that said specific procedure will be carried out by submitting a document (Act on Special Provisions for Procedures Related to Industrial Property Right Article 3(3)).

From January 2024, procedures for a written demand for invalidation trial or a petition for opposition may also be submitted by means of electronic data processing systems (Enforcement Regulations of the Act on Special Provisions for Procedures Related to Industrial Property Right Article 13(2)(3)). These procedures are called “special electronic applications”. For details, refer to the JPO’ website: “Digitalization of application procedures (https://www.jpo.go.jp/system/laws/sesaku/shinsei_digitalize.html)” and “Special electronic applications in trial/appeal proceedings (https://www.jpo.go.jp/system/trial_appeal/shinpan_digitalize.html)”.

2. Dispositions Executed by the Commissioner of the Patent Office, a Chief Administrative Judge, an Administrative Judge, or a Trial and Appeal Clerk

When the Commissioner of the Patent Office, a chief administrative judge, an administrative judge, or a trial and appeal clerk conducts an act that is required to be carried out by submitting a document under the relevant legal provision, if such act is specified in the Ordinance of the Ministry of Economy, Trade and Industry (specific dispositions, etc.), it may be carried out by means of electronic data processing systems (Act on Special Provisions for Procedures Related to Industrial Property Right Article 4(1), Enforcement Regulations of the Act on Special Provisions for Procedures Related to Industrial Property Right Article 23).

When conducting a specific disposition, etc., he/she identifies his/her status such as an administrative judge, etc. by using the assigned identification card or biometric authentication and entering the PIN number instead of executing a signature and seal (Enforcement Regulations of the Act on Special Provisions for Procedures Related to Industrial Property Right Article 23-3).

A specific disposition, etc. is deemed to have been carried out by submitting a document specified in the relevant legal provision that was established on the presumption that said specific disposition, etc. will be carried out by submitting a document (Act on Special Provisions for Procedures Related to Industrial Property Right Article 4(2)).

When the Commissioner of the Patent Office or a chief administrative judge issues a notice or an order specified in a legal provision, if such notice or order (specific notice, etc.) is specified in the Ordinance of the Ministry of Economy, Trade and Industry, it may be carried out by means of electronic data processing systems (Act on Special Provisions for Procedures Related to Industrial Property Right Article 5(1), Enforcement Regulations of the Act

on Special Provisions for Procedures Related to Industrial Property Right Article 23-4).

When a written demand for invalidation trial, etc. are submitted by the special electronic application, the Commissioner of the Patent Office or a chief administrative judge may provide matters to be included in the duplicate of said written demand for invalidation trial, etc. by means of the electromagnetic method (DVD-R) instead of service of the duplicate upon obtaining the consent of a person receiving the duplicate. In this case, the Commissioner of the Patent Office or a chief administrative judge is deemed to have served the duplicate of the written demand for invalidation trial, etc. (Act on Special Provisions for Procedures Related to Industrial Property Right Article 10(2)).

3. Operation by Types of Trials/Appeals

In principle, the procedures for an appeal against an examiner's decision of refusal and an appeal against the examiner's decision to dismiss amendment are carried out by means of electronic data processing systems.

As stated in the above item 1, the procedures for a demand for invalidation trial and a petition for opposition may be carried out by means of electronic data processing systems (special electronic applications) in addition to a written or documentary procedures. Each section of this Manual for Trial and Appeal Proceedings shows submission of a duplicate, etc. in writing, however, there is no need to provide a duplicate to the other party and for the proceedings when electronic data processing systems are used for the procedures (Enforcement Regulations of the Act on Special Provisions for Procedures Related to Industrial Property Right Article 10-3).

(Revised Dec 2023)