

## **07—01 PUDT**

### **Trial Court**

1. A trial court is a place where administrative judges conduct oral proceedings and examination of evidences in trial procedures (including an opposition to grant of patent (an opposition to registration of trademark) and a procedure for an advisory opinion).
2. A trial court is to be convened in the Japan Patent Office, however, a chief administrative judge may decide other appropriate place as a trial court when deemed necessary.
3. Oral proceedings and examination of evidences on the due date shall be conducted at a trial court.
4. A trial court is to be convened in the presence of a fixed number of administrative judges and a trial/appeal clerk. The position of administrative judges, etc. in the trial court are fixed in general, and they are shown in a separate sheet in a diagram of a trial court.
5. A chief administrative judge shall control trial proceedings in session and work on maintaining order of a trial court (the Patent Act Article 138 (2), the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Article 56).  
Taking photos, taking shorthand, tape recording, video recording or broadcasting may not be conducted unless there is permission of a chief administrative judge (Enforcement Regulations of the Patent Act Article 54, Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark Act Article 22(6)).

A chief administrative judge may take necessary measures for smooth progress of trial proceedings and keeping order in a trial court: requesting to turn the power off of a mobile phone, asking not to speak loudly or make a big noise. It is allowed to drink water in a trial court.

6. When oral proceedings are not open to the public (the Patent Act, the proviso to the Patent Act Article 145(5), the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Article 56(1)), a chief administrative judge must tell that effect with the reason before asking the public to leave from a trial court.

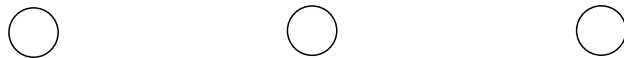
7. A trial court: the Japan Patent Office

The first trial court: Ministry of Economy, Trade and Industry, Annex

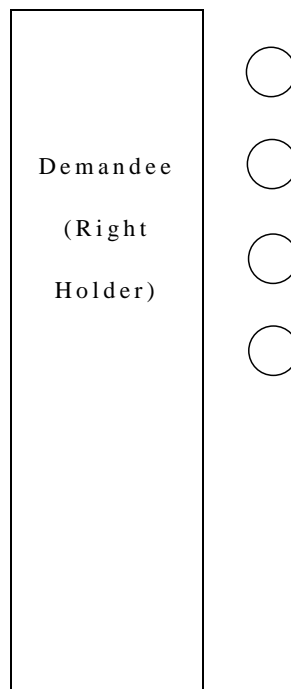
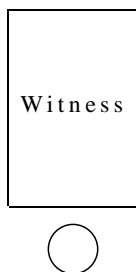
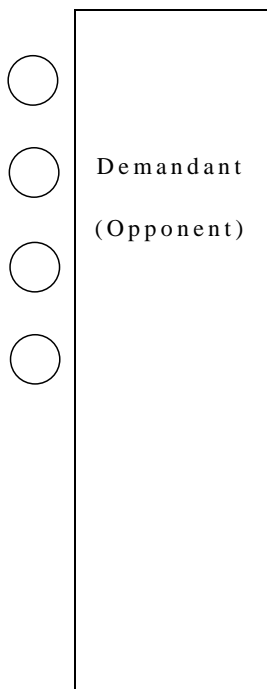
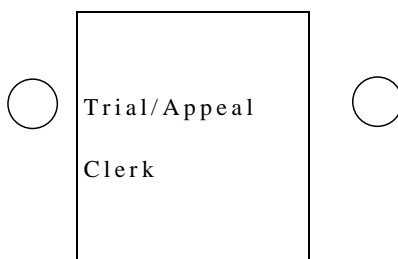
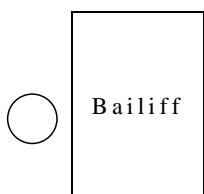
The second trial court: Ministry of Economy, Trade and Industry, Annex

A trial court at the Japan Patent Office has IT equipment, which makes possible to conduct technical explanation by a video, etc., or verification of articles and objects by a document camera.

### Diagram of Trial Court (Example)



Administrative Judge      Chief Administrative Judge      Administrative Judge



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O b s e r v e r   S e a t s

Note) In a parenthesis above, a case for opposition to grant of patent (for opposition to registration of trademark) is shown. (A case where examination of evidences is conducted.).

A trial/appeal clerk may perform duties on behalf of a bailiff.

(Revised Sep. 2018)