

## **07—01 PUDT**

### **Trial Court**

1. A trial court is a place where administrative judges conduct oral proceedings and examination of evidence in trial procedures (including an opposition to grant of patent (registration of trademark) and Hantei (advisory opinion)).

2. A trial court is generally convened in the Japan Patent Office. However, a chief administrative judge may decide on an appropriate place outside the JPO as a trial court when deemed necessary.

3. Oral proceedings and examination of evidence on the due date shall be conducted at a trial court.

4. A trial court is held in attendance of three or five administrative judges and a trial/appeal clerk.

The positions of the administrative judges and others in the trial court are fixed in general, and 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 in 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).

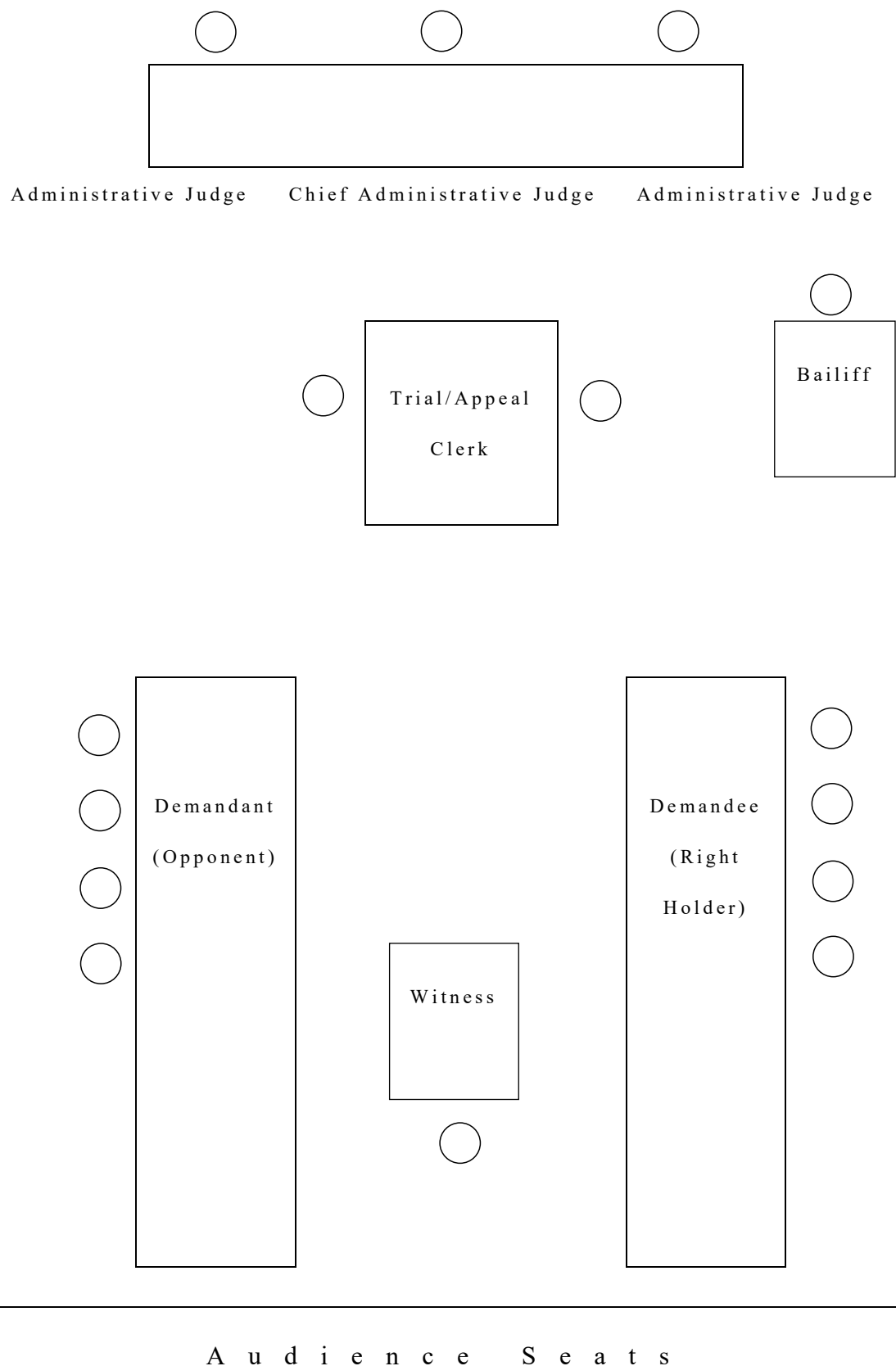
Taking photos, taking shorthand, tape recording, video recording or broadcasting in the trial court requires permission from the chief administrative judge (Enforcement Regulations of the Patent Act Article 54, Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement

Regulations of the Trademark Act Article 22(6)).

The chief administrative judge may take necessary measures to ensure the progress of the trial and maintain order in the trial court such as requesting to turn off mobile phones, etc. and asking not to speak loudly or make a big noise. It is allowed to drink water in the 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 inform the audience of that effect with the reason before asking them to leave the trial court.

## Diagram of Trial Court (Example)



Note) The attendees shown in parentheses are those who will appear in court when evidence is examined in a patent opposition case, or when oral proceedings or evidence is examined in a trademark opposition case.

A staff member of the JPO may sit in the seat of a bailiff for operating the equipment of the trial court.

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

(Revised December 2023)