

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).

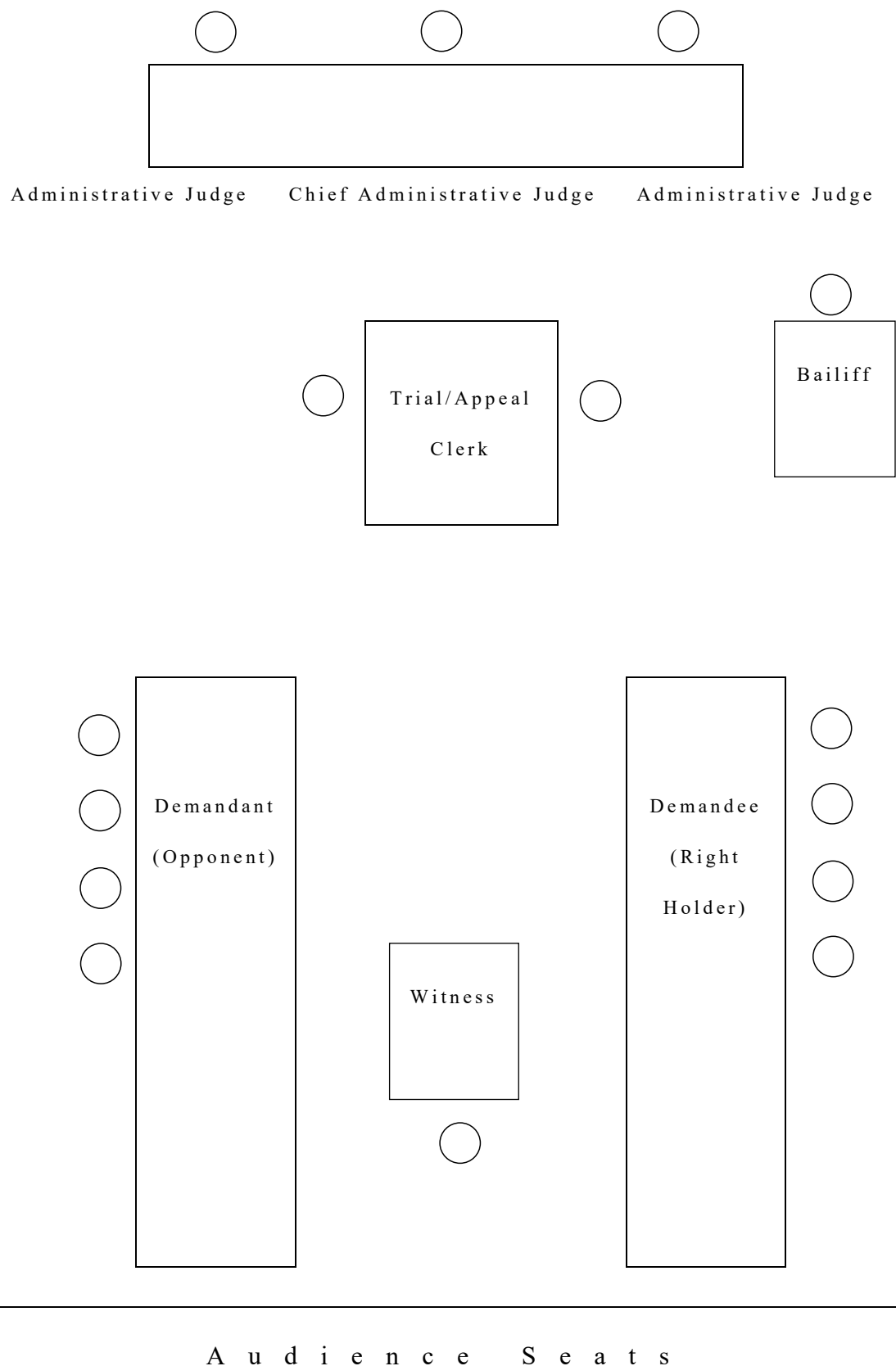
Taking photos, taking shorthand, tape recording, video recording or broadcasting in the trial court requires permission from the chief administrative judge (Enforcement Regulations of the Patent Act Article 54, Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of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

07—02 PUDT
Duties of Bailiff at the Trial Court

When a trial court is to be convened for a trial (including an opposition to grant of patent, an opposition to registration of trademark, and Hantei (advisory opinion)) case to conduct an oral proceeding or an examination of evidence, a bailiff shall follow the instructions given by a chief administrative judge and perform the following duties:

1. Taking a bailiff's seat in the trial court when receiving a notification from a trial/appeal clerk to attend oral proceedings and examination of evidence.
2. When parties concerned, etc. start entering the trial court, seating them in their designated positions and informing the trial/appeal clerk of the status of their attendance.
3. Asking all attendees to stand up by saying "all rise, please" when administrative judges enter the court.
4. After everyone has stood up, they bow following a chief administrative judge's bow. No order is given for the bow.
5. Announcing the name of the case. (→33—05)
6. Asking everyone to stand up by saying "all rise, please" when a witness reads out a written oath at the beginning of the examination of witness.

7. When there are two or more witnesses, after they finish signing a written oath, guiding a witness who is to be questioned later to the waiting room to wait according to an instruction from the chief administrative judge, and then calling a witness sequentially back to the court according to an instruction from the chief administrative judge.

8. When there is an article such as evidence or other items to be transported between a party concerned, a witness and administrative judges, delivering said article promptly according to an instruction from the chief administrative judge.

9. When examination of a witness is conducted, if oral proceedings are commenced continuously after the chief administrative judge announces the termination of the examination, do not ask everyone to stand up.

10. Taking necessary procedures for a payment of a daily allowance, travel expenses, etc. for a witness who has finished the examination. (→35-01 5.(3))

11. During the session, wearing a cap and uniform and maintaining an attitude of courtesy. If there is a person whose behavior possibly disturbs the order of the trial court, or an observer with bad manners, giving an advice in a small voice to said person or said observer that “please conduct yourself properly otherwise you will receive a warning from the chief administrative judge”, and if instructed by the chief administrative judge, following that instruction and supervising the behavior of said person or said observer, and taking an action such as ordering them to leave.

12. At the end of the session, when the chief administrative judge announces the termination of oral proceedings or examination of evidence,

asking everyone to stand up by saying “all rise, please”. After they have stood up, do not order them to bow, similar to when opening the court.

13. Checking for lost articles and organizing the equipment after everyone has left the court.

Note that a trial/appeal clerk may perform any of the duties mentioned above on behalf of a bailiff.

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