

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.

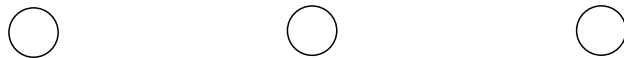
7. A trial court: the Japan Patent Office

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

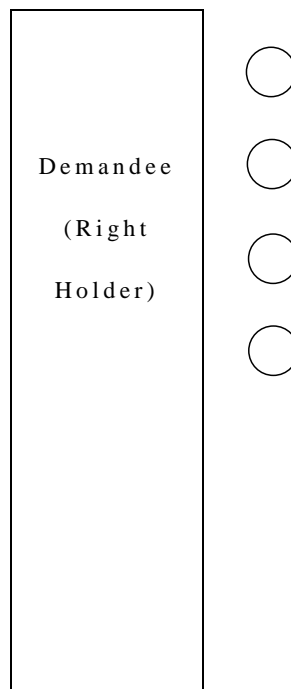
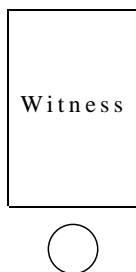
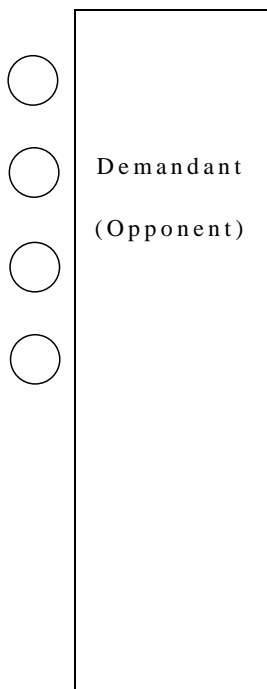
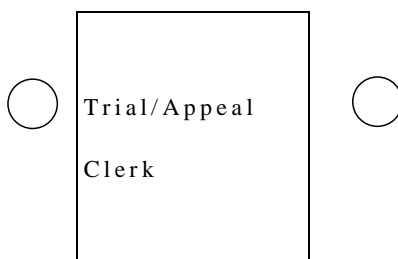
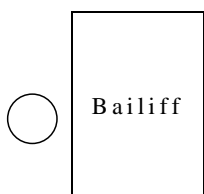
The second trial court: Ministry of Economy, Trade and Industry, Annex

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



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)

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 an advisory opinion) case to conduct an oral proceeding or an examination of evidences (Note), a bailiff shall follow the instructions given by a chief administrative judge and perform the following duties:

1. Taking a bailiff's seat in a trial court when receiving a notification from a trial/appeal clerk to attend oral proceedings and examination of evidences;
2. When parties concerned, etc. start entering the trial court, asking people to take their seats and informing a trial/appeal clerk about the situation of appearance of the parties;
3. Asking all people attended at the trial court to stand up by saying "stand up, please" when administrative judges enter the court.
4. After the people stood up, they bow followed by a chief administrative judge's bow. A bow is made without any order, but expressed only in action.
5. Pronouncing the name of the case. (→33—05)
6. Asking the people to stand up by saying "stand up, 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 of a chief administrative judge, and then calling a witness sequentially back to the court according to an instruction of a chief administrative judge.

8. When there is an article such as an evidence or other items to go back and forth among a party concerned, a witness and administrative judges, delivering said article promptly according to an instruction of a chief administrative judge.

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

10. Guiding a witness who finished the examination to a department in charge at the Japan Patent Office for necessary procedures of a payment of a daily allowance and travel expenses. (→35-01 5.(3))

11. In session, wearing a cap and uniform and keeping a courtesy. If there is a person whose behavior possibly disturbs the order of a trial court, or an observer who has 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 a chief administrative judge”, and if receiving an instruction from a chief administrative judge, following that instruction and supervising a behavior of said person or said observer, and taking an action such as ordering to leave.

12. In the end of session, when a chief administrative judge announces the termination of oral proceedings or examination of evidences, asking people

attended at the trial court to stand up by saying “stand up, please”. After they stood up, do not order them to bow, similar to when opening the court.

13. Checking on lost articles and organizing the equipment after all people left from the court.

The duties above are sometimes performed by a trial/appeal clerk instead of a bailiff.

(Note) Only examination of evidences is conducted for an opposition to grant of patent.

(Revised Oct. 2015)