

12—01 PUDT
Notice of Designation and Change of Designation of
Administrative Judge and Trial Clerk

1. Commissioner of the Japan Patent Office shall designate administrative judges consisting of a panel and a trial (appeal) clerk for proceeding a case of an opposition to grant of patent (an opposition to registration of trademark), a trial (appeal), a retrial and an advisory opinion (the Patent Act Articles 71(2), 116, 117, 137(1), 144-2(1), 174(1)-(4); the Utility Model Act Articles 26, 41, 45; the Design Act Article 25(2), 52, 58(2)-(4); the Trademark Act Articles 28(2), 43-5, 43-5-2(1), 56(1), 61, 68(4),(5)).

2. Initial designation and change of designation shall be notified accordingly (Enforcement Regulations of the Patent Act Articles 40, 48(2), 50-16; Enforcement Regulations of the Utility Model Act Article 23(9)(12); Enforcement Regulations of the Design Act Article 19(5)(8); Enforcement Regulations of the Trademark Act Article 22(4)-(6)).

3. In ex-parte cases, the designated names shall be notified after a certain period of time is secured (for submission of a petition, or for request for an interview) before initiation of the proceedings. The proceedings sometimes initiate immediately after the designated names are notified in case an amendment is ordered, the case is subject to an accelerated trial examination, or reasons for refusal are solved by amendment, etc. of the designated goods/services.

4. In ex-parte cases and cases for an opposition to grant of patent (an opposition to registration of trademark), the designated names shall be

notified accompanied with a duplicate of written request for trial, etc. for quick proceedings of a written reply, etc.

5. An appeal against examiner's decision of refusal becomes subject to reexamination by the examiner before trial, administrative judges and an appeal clerk are designated after the reexamination by the examiner before trial.

6. Intervenors are entitled to request exclusion or recusation (→ 59-01) (the Patent Act Articles 140, 141(1), 144-2(5); the Utility Model Act Article 41; the Design Act Article 52; the Trademark Act Articles 56(1), 68(4)). Therefore, when the designation is changed after an intervenor is permitted to join the trial, such the change is also notified to the intervenor.

(Revised Oct. 2015)