

16—01 PUDT

**Procedures for Return of Models, Samples or Evidences, That
Have Been Submitted to the Japan Patent Office**

Procedures for return of models, samples or evidences which have submitted to the Japan Patent Office are shown below.

1. Models and Samples

(1) When there is a request for return in advance

- A. A notice of return is notified when a trial/appeal is final and conclusive.
- B. If there is a request for return during pendency of a trial/appeal case, a notice of return is not issued but a model or a sample submitted to the Japan Patent Office shall be returned to the owner with a receipt. In some cases when it finds it particularly necessary, a model or a sample is not returned until a case becomes final and conclusive, or is returned with a fixed time and the returned model or sample is submitted again thereafter.
- C. If a person requested for return fails a procedure of return within 30 (thirty) days from the date on which a notice of return is dispatched, the Japan Patent Office shall dispose of the furnished model or sample (Enforcement Regulation of the Patent Act Article 15(2), Enforcement Regulation of the Utility Model Act Article 23(1). Enforcement Regulation of the Design Act Article 19(1), Enforcement Regulation of the Trademark Act Article 22(1)).

(2) When there is no request for return in advance

After a case is final and conclusive, whether there is a request for return

is confirmed again. If there is no request for return (no need to return), the JPO shall dispose of the furnished model or sample.

(3) When a model or a sample continuously bound to a register is returned, Form 1 stating “the model or sample has been returned” shall be continuously bound to the register, whereas when a model or a sample continuously bound to a register is not returned, leave it in the register without disposing.

2. Evidences

(1) When there is a request for return in advance

- A. After a trial/appeal case is final and conclusive, a transcript, a drawing or an instruction manual that can be stored instead of the original shall be submitted and the original shall be returned. This, however, shall not apply when it is found a copy, a drawing or an instruction manual is not necessary to submit.
- B. If there is a request for return during pendency of a trial/appeal case, a notice of return is not issued but an evidence submitted to the Japan Patent Office shall be returned to the owner with a receipt and a transcript, etc. of the evidence. In some cases when it finds it particularly necessary, an evidence is not returned until a case becomes final and conclusive, or is returned with a fixed time and the returned evidence is submitted again thereafter.
- C. If a person requested for return fails a procedure of return within 30 (thirty) days from the date on which a notice of return is dispatched, the Japan Patent Office shall dispose of the furnished evidence.

(2) When there is no request for return in advance

After a case is final and conclusive, whether there is a request for return is confirmed again. If there is no request for return (no need to return), the

Japan Patent Office shall dispose of the furnished evidence.

(3) When an evidence continuously bound to a register is returned, Form 1 stating “the evidence has been returned” shall be continuously bound to the register, whereas when an evidence continuously bound to a register is not returned, leave it in the register without disposing.

3. Procedures for return

(1) When returning of the furnished article, prepare a notice of Form 2 with necessary matters and notify a person requesting for return.

(2) When returning of any model, sample or evidence, ask to submit a receipt according to the backside of Form 2.

(3) When return is made by post, ask to provide postage stamps approximately equivalent to the postal fee, and if the stamps are excessive, it will be returned, and if the stamps are insufficient, ask to provide stamps equivalent to the shortfall if necessary.

(4) When a model, a sample or an evidence to be returned is not appropriate to handle as a post mail, for example where it is remarkably large, or it needs special handling for packaging or transportation, a person requesting for return (or his/her attorney) needs to arrange a packaging/forwarding agent and the agent conducts the work in the presence of the Japan Patent Office’s employee(s).

4. Disposition of models, samples or evidences

(1) Disposition of what is not returned shall be conducted every few months if necessary upon consideration of capacity of the storage.

(2) A method of disposition and a procedure of transfer for storage to National Center for Industrial Property Information and Training (hereinafter, referred to as “INPIT”) shall be decided by Director of Trial and Appeal Division of the Japan Patent Office upon consultation with

Director of Budget and Accounts Division of the Japan Patent Office or
Chairman of INPIT.

5. The procedures of return in the above 1-4 shall also apply to the cases where models, samples or evidences are submitted in the procedures of an opposition to grant of patent (opposition to registration of trademark).

Form 1

Invalidation No. XXXX-XXXXXX	
Opposition No. XXXX-XXXXXX	
	Models/Samples
	Evidences
is (are) returned on (D/M/Y)	
	Trial and Appel Division, Trial and Appeal Department

Form 2

Models, Samples

Notice of Return

Evidences

(D/M/Y)

TO:

Commissioner of the Japan Patent Office
(the Chief Administrative Judge)

Invalidation No. XXXX-XXXXXX

Opposition No. XXXX-XXXXXX

A model, a sample or an evidence furnished for the present case is no longer in use. If you wish to return, you need to take a procedure for return within 30 (thirty) days on which this notification is dispatched.

If you fail to take any procedure within the designated period, the submitted article will be disposed by the Japan Patent Office arbitrarily.

Note

1. Please issue a receipt for reception of the submitted model, sample or evidence. For a receipt form, use the backside of this form.
2. If you wish to return by mail, provide postal stamps for xxx yen with a receipt.

(Note) When the trial(appeal) case is pending, a name of a chief administrative judge is entered.

Form 2 Backside

Models, Samples

Receipt

Evidences

(D/M/Y)

TO:

Commissioner of the Japan Patent Office
(the Chief Administrative Judge)

Recipient Address of
Name

Invalidation No. XXXX-XXXXXX

Opposition No. XXXX-XXXXXX

Patent Application No. XXXX-XXXXXX

I received a model, a sample or an evidence below for the case.

A

A-1 ~ A-X (B-1~ B-X)

B

(Original • Copy • Article)

Each

(Revised December 2020)