

## **16—01 PUDT**

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

Procedures for return of “models, samples or evidence” which have been submitted for cases of a trial/appeal (except an appeal against an examiner’s decision of refusal), Hantei (advisory opinion), an opposition to grant of patent (registration of trademark) and a retrial are made as shown below.

#### **1. Return Procedures**

A person seeking return of the submitted models, samples, or evidence should make a request for return (hereinafter referred to as a “person requesting return”) when submitting (Enforcement Regulations of the Patent Act Article 15(1), Enforcement Regulations of the Utility Model Act Article 23(1), Enforcement Regulations of the Design Act Article 19(1), Enforcement Regulations of the Trademark Act 22(1)).

A return procedure is carried out after the case becomes final and binding. Before finalization of the case, submitted items will not be returned in principle, but if there are reasonable grounds for the request, they may be returned temporarily unless it does not affect the proceedings.

#### **(1) When there is a request for return**

- A. A notice of return (Form 1) is dispatched to a person requesting return after a trial/appeal is final and binding.
- B. A person requesting return should carry out receipt procedures within 30 days from the date on which a notice of return (Form 1) is received (Enforcement Regulations of the Patent Act Article 15(2), Enforcement Regulations of the Utility Model Act Article 23(1), Enforcement Regulations of the Design Act Article 19(1), Enforcement Regulations of

the Trademark Act 22(1)). If a person does not take the procedures, the Japan Patent Office may dispose of the submitted items after storing them for a certain period of time (→ 1. (2) A. B.).

C. A person requesting return may request one of the following ways of receiving.

① Receiving at the Japan Patent Office (Arrange the receiving date and time in advance).

② Receiving at a location other than the Japan Patent Office, such as by mail.

When a model, a sample or evidence to be returned is not appropriate to handle as a post mail, etc., because of remarkably large in size and needs special handling for packing or transportation, etc., a person requesting return will arrange a forwarding agent for packing and transportation and the agent conducts the work in the presence of the Japan Patent Office staff.

D. A person requesting return submits a receipt (Form 2) by e-mail, etc. after receiving the submitted models, samples, or evidence.

(2) When there is no request for return by the time the case becomes final and binding

After the case becomes final and binding, confirm with a person who has submitted models, samples, or evidence whether return is required. When returning, follow the above 1. (1), and if there is no need to return, follow as below.

A. The JPO keeps the submitted models, samples, or evidence which have been bound to the record.

B. When the submitted models, samples, or evidence are not possible to be bound to the record, they are kept at the storage of Infringement and Invalidation Affairs Office of the JPO, and they may be properly disposed upon consideration of capacity of the storage.

(Revised March 2025)

## Form 1 (Ex. When addressed to a demandant)

## Notice of Return of Models, Samples or Evidence

(D/M/Y)

Commissioner of the Japan Patent Office

Trial No.                      Invalidation No. XXXX-XXXXXX

(Patent No.)                Patent No. XXXXXX

Demandant                      (name)

Agent                              (name)

The present trial case is final and binding. If you wish to return a model, a sample or evidence submitted for the present case, you need to take a procedure for return within 30 (thirty) days on which this notification is received.

## Procedures for Reception

1. Please contact a trial clerk in charge to inform your preference way of receiving the submitted model, sample, or evidence.

If you wish to receive the submitted items at the JPO, please let us know your convenient date and time. If you wish to receive the items at a place other than the JPO, please let us know. (When by mail, please provide us with stamps for postage.)

2. Please issue a receipt by e-mail, etc. after receiving the model, sample, or evidence. Please use the attached form as a receipt.

※ E-mail address of the OO Board of Trial and Appeal, Trial and Appeal

Department: [OOO@jpo.go.jp](mailto:OOO@jpo.go.jp)

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If you have any question on this notification, please contact below.

The OO Board of Trial and Appeal, Trial and Appeal Department

Tel: 03(3581)1101      Ext.:(number)      Facsimile:(number)

Form 2 (Ex. When addressed to the Commissioner of the JPO)

## Receipt of Models, Samples or Evidence

(D/M/Y)

TO: Commissioner of the Japan Patent Office

1. Trial No.           Invalidation XXXX-XXXXXX

2. Person Requesting Return

Address:

Name:

3. Agent

Address:

Name: Patent Attorney (name)

We have received the following item(s) of the case.

A-1   Model (Sample/Evidence) of XXXXXX       1