

17—01 PUDT
Service of Documents

1. Documents to be served are regulated in the Patent Act, Enforcement Regulations of the Patent Act and Order for Enforcement of the Patent Act. Other than those documents, the served documents are ones to cause rights/obligations to a person who should receive the service of said dispatched documents and to provide opportunities to explain or to give an opinion to a person who should receive a notice of said dispatched documents. Except as otherwise provided, the served documents shall be a certified copy or a duplicate of said documents (the Patent Act Article 189, the Utility Model Act Article 55(2), the Design Act Article 68(5), the Trademark Act Article 77(5), Enforcement Regulations of the Patent Act Article 16(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 Article 22(1), the Rules of Civil Procedure Article 40).

2. Service of a certified copy of a trial (appeal), a decision and an advisory opinion to a concerned party, an intervener and a person whose written request for intervention was refused, or an opponent of opposition to grant of patent (opposition to registration of trademark) shall be served by a special delivery (the Patent Act Article 190, the Utility Model Act Article 55(2), the Trademark Act Article 77(5), the Code of Civil Procedure Article 99, the Postal Act Article 49).

3. Regarding a decision on an opposition to grant of patent (opposition to registration of trademark) or a trial decision on an inter-partes trial case, if

the Director, Trial and Appeal Division is approved that there are special circumstances for a concerned party, an intervener, etc. (for example, a case where a certified copy of the trial decision is urgently needed for a litigation case) and if a certified copy of said decision or trial decision is at the stage of delivery, a trial clerk may serve the certified copy by delivering to a concerned party or an intervener only when they appear at Trial and Appeal Division of the Japan Patent Office.

4. When substituted service (the Patent Act Article 190 → the Code of Civil Procedures Article 106(2)) has been made, a member of the staff designated by Commissioner of the Japan Patent Office or a trial clerk shall notify a person who received the service to that effect (Enforcement Regulations of the Patent Act Article 16(3), 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 Article 22(1)).

(Revised Feb 2015)