

21—01 PUDT

Required Documents That Need to be Attached to a Written Demand/Request for Trial/Appeal, etc. (including a Power of Attorney)

1. A Written Demand/Request for Trial

Documents that need to be attached to a written demand/request for trial/appeal are shown below (in the order of the legal provisions).

(1) When procedures are carried out by an association or a foundation that is not a juridical person that has a person designated as a representative or an administrator (Patent Act Article 6, Utility Model Act Article 2-4, Design Act Article 68(2), Trademark Act Article 77(2))

A name of representative or administrator needs to be written in a demand/request for trial/appeal, but in principle any documents for proof of their qualification are not required due to simplification of the procedures.

(2) When procedures are carried out by a minor, an adult ward, a person under curatorship, etc.

A document proving authority of statutory representation, a letter of consent of a supervisor of guardian, a letter of consent of a curator (Patent Act Article 7, Enforcement Regulations of the Patent Act Article 6, Utility Model Act Article 2-5(2), Enforcement Regulations of the Utility Model Act Article 23(1), Design Act Article 68(2), Enforcement Regulations of the Design Act Article 19(1), Trademark Act Article 77(2), Enforcement Regulations of the Trademark Act Article 22(1))

(3) When procedures are carried out by an authorized agent

A document certifying authority of representation (not only the original (document) but also its copy is acceptable) (Patent Act Articles 8 and 9, Enforcement Regulations of the Patent Act Article 4-3(1), Utility Model Act

Article 2-5(2), Enforcement Regulations of the Utility Model Act Article 23(1), Design Act Article 68(2), Enforcement Regulations of the Design Act Article 19(1), Trademark Act Article 77(2), Enforcement Regulations of the Trademark Act Article 22(1)).

(4) When procedures are jointly carried out by two or more people and a representative is selected from them, a document certifying the fact of the selection (Patent Act Article 14, Enforcement Regulations of the Patent Act Article 8, Utility Model Act Article 2-5(2), Enforcement Regulations of the Utility Model Act Article 23(1), Design Act Article 68(2), Enforcement Regulations of the Design Act Article 19(1), Trademark Act Article 77(2), Enforcement Regulations of the Trademark Act Article 22(1)).

(5) When procedures are carried out by a successor of the patent right

A notice of change of applicant and a document for proof of transfer of the right, and a letter of consent of other right holders if the right is jointly owned (Patent Act Articles 33 and 34(4)(5), Enforcement Regulations of the Patent Act Articles 5 and 12, Design Act Article 15(2), Enforcement Regulations of the Design Act Article 19(1), Trademark Act Article 13(2), Enforcement Regulations of the Trademark Act Article 22(1)).

(6) When demanding a trial for correction (Note)

A. When there is an exclusive licensee or a pledgee, a letter of consent of those people (Patent Act Article 127, Enforcement Regulations of the Patent Act Article 6).

B. Corrected specification, claims or drawings (Patent Act Article 131(4)) (Note) Similarly, a request for correction filed in the procedure of a trial for invalidation and an opposition to grant of patent also requires these documents to be attached.

(7) When a power of attorney, a certificate of nationality, or other documents are written in a foreign language, a translation thereof (Enforcement Regulations of the Patent Act Article 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 Article 22(1)).

(8) Necessary number of duplicates of a written demand for sending to a counterparty and for the proceedings (Enforcement Regulations of the Patent Act Articles 4 and 50-4, Enforcement Regulations of the Utility Model Act Article 23(1)(10), Enforcement Regulations of the Design Act Article 19(1)(8), Enforcement Regulations of the Trademark Act Article 22(1)(6))

(9) Written explanation of evidence (Enforcement Regulations of the Patent Act Articles 50(3), Enforcement Regulations of the Utility Model Act Article 23(10), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark Act Article 22(6))

(Excluding the case when a document heading, a name of person who prepared the document and a purport of proof are obvious from the descriptions of the document.)

2. Opposition to Grant of Patent (Opposition to Registration of Trademark)

A petition of an opposition to grant of patent (an opposition to registration of trademark) is also handled in the same manner as a written demand/request for trial/appeal (→ 66-03, 67-03).

(Revised December 2023)