

21—01 PUDT**Required Documents That Need to be Attached to
Written Demand/Request for Trial/Appeal, etc.
(including Power of Attorney)****1. A Written Demand/Request for Trial**

Documents that need to be attached to a written demand/request for trial are shown below (order of articles of the law).

(1) When an association or a foundation that is not a juridical person and a person designated as a representative or an administrator thereof performs procedures (the Patent Act Article 6, the Utility Model Act Article 2-4, the Design Act Article 68(2), the Trademark Act Article 77(2))

A name of representative or administrator needs to be written in a demand/request for trial, but in principle any document for proof of their qualification is not required any more with simplification of the procedures.

(2) When a minor, an adult ward, a person under curatorship, etc. performs procedures

Documents for proof of a statutory power of attorney, a letter of consent of a supervisor of guardian, a letter of consent of a curator (the 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), the Design Act Article 68(2), Enforcement Regulations of the Design Act Article 19(1), the Trademark Act Article 77(2), Enforcement Regulations of the Trademark Act Article 22(1))

(3) When an authorized agent performs procedures

A document for proof of power of attorney (the Patent Act Articles 8 and 9, Enforcement Regulations of the Patent Act Article 4-3(1), the Utility Model Act Article 2-5(2), Enforcement Regulations of the Utility Model Act

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

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

(5) When a successor of the patent right performs procedures

A notice of change of applicant and a document for proof of transfer the right, and a letter of consent of other right holders if the right is jointly owned (the Patent Act Articles 33 and 34(4)(5), Enforcement Regulations of the Patent Act Articles 5 and 12, the Design Act Article 15(2), Enforcement Regulations of the Design Act Article 19(1), the 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, a pledgee, a non-exclusive licensee on an invention in service, or a non-exclusive licensee with permission, a letter of consent of those people (the Patent Act Article 127, Enforcement Regulations of the Patent Act Article 6).

B. Corrected specification, claims or drawings (the Patent Act Article 131(4))

(Note) Similarly, a demand for correction filed in the procedure of a trial for invalidation and an opposition to grant of patent, also needs those documents to be attached.

(7) When a power of attorney, a certificate of nationality, or other document is 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 written demand/request 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) 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 person prepared the document and a purport of proof are clear from descriptions of the document.)

2. Opposition to grant of patent (Opposition to registration of trademark)

An opposition to grant of patent (an opposition to registration of trademark) also applies to a written demand/request for trial/appeal (→ 66-03, 67-03).

(Revised Feb 2015)