

## **23—01 P U D T**

### **Legal Agent**

1. A legal agent means an agent directly given authority of representation according to legal regulations.

2. Types of Legal Agents (Note)

(1) Legally natural depending on relatives, status

A. Parental authority (the Civil Code Article 818)

B. Legal guardian (the Civil Code Article 840)

(2) Appointed by a court

A. Administrator of absentee's property (the Civil Code Articles 25 and 26)

B. Appointed guardian (the Civil Code Article 841)

C. Administrator of the inherited property (the Civil Code Articles 918, 943, 952)

D. Executor by will (the Civil Code Articles 1010, 1015)

(3) Designation by a specific designated authority

A. Designated guardian (the Civil Code Article 839)

B. Designated executor by will (the Civil Code Articles 1006, 1015)

3. Legal Authority of Representation

(1) Occurrence, extinction

In principle, occurrence or extinction of authority of representation shall follow in the provisions of the Civil Code, etc. It is preferable to notify the opposite party of the extinction following the example of the Code of Civil Procedure (Article 36(1)).

The procedure is suspended when a legal agent died or lost the authority of representation (the Patent Act Article 24, the Utility Model Act Article 2-5(2), the Design Act Article 68(2), the Trademark Act Article 77(2) → the

Code of Civil Procedure Article 124(1)(iii)).

Authority of representation shall be extinct upon:

- A. death of the person or a legal agent, decision of the commencement of bankruptcy procedure of a legal agent, or decision of the commencement of guardianship against a legal agent (the Civil Code Article 111 (1)); or
- B. resignation, appointment or dismissal of a guardian (the Civil Code Articles 844, 845, 846), etc.

(2) Scope

The scope of authority of representation of a legal agent shall be determined by the Civil Code, etc.

[Example] A person who exercises parental authority shall administer the property of the child and represent the child in any legal juristic act in respect of the child's property provided, however, that that if an obligation requiring an act of the child is to be created, the consent of the child shall be obtained (the Civil Code Article 824).

A legal agent may appoint a sub agent under his/her own responsibility (→23-05).

(Revised Feb 2015)