

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 (Civil Code Article 818)

B. Legal guardian (Civil Code Article 840)

(2) Appointed by court

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

B. Appointed guardian (Civil Code Article 841)

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

D. Executor of a will (Civil Code Articles 1010, 1015)

(3) Designation by a specific designated authority

A. Designated guardian (Civil Code Article 839)

B. Designated executor of a will (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 (Patent Act Article 24, Utility Model Act Article 2-5(2), Design Act Article 68(2), Trademark Act Article 77(2) → Code of Civil Procedure Article 124(1)(iii)).

Authority of representation shall be extinct upon:

- A. Death of the principal or his/her legal agent, bankruptcy of the legal agent, or a decision for commencement of guardianship against the legal agent (Civil Code Article 111(1)); or
- B. Resignation, appointment or dismissal of a guardian (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] The person exercising parental authority manages the child's property and represents the child in juridical acts involving that property; provided, however, that the person must obtain the consent of the child if a juridical act would give rise to the obligation of the child to act (Civil Code Article 824).

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

(Revised February 2015)