

23-04 P U D T**Patent Administrator****1. Significance**

The time effect of the procedures of the patent administrator system often becomes an issue while these procedures must be carried out under a time constraint. This would cause an overseas resident (a person not domiciled or resident (or an establishment in the case of a corporation) within Japan) difficulties in terms of geography or time. The purpose of the system with regard to patent administrators is, therefore, to facilitate the progress of the procedures involved in the system by forcing the overseas resident to undertake such procedures through an agent domiciled or resident in Japan.

With exception of particular cases, no overseas resident may undertake procedures or institute an action against measures taken by a relevant administrative agency in accordance with the provisions of the Patent Act or an order issued under the Patent Act, except through an agent domiciled or resident in Japan, who is acting for such person in handling matters related to the person's patent (Patent Act Article 8 (1), Utility Model Act Article 2-5 (2), Design Act Article 68 (2), Trademark Act Article 77 (2)).

The particular cases referred to above are limited to the case where the overseas resident (or the representative of a corporation) with a patent administrator, is living in Japan (Order for Enforcement of the Patent Act Article 1).

2. Authority

A patent administrator shall represent the principal in all procedures and litigation objecting to a disposition undertaken by any relevant administrative agency under the provisions of the Patent Act or under an order that is based on the Patent Act, including the cases expressly empowered (Patent Act Article 9); provided however, that this shall not apply where the overseas resident limits the scope of authority of representation of the patent administrator (Patent Act Article 8 (2), Utility Model Act Article 2-5 (2), Design Act Article 68 (2), Trademark Act Article 77 (2)).

Accordingly, in cases where the scope of authority of representation is not limited, the patent administrator has the authority of representation for all procedures.

The registration system for appointment of a patent administrator, etc. was abolished by partial amendment of the Patent Act in 1996, and if a certificate of authority of representation which is submitted to the Patent Office during application includes authorization after registration in the entrusted matters (including the cases where no limitation is placed on the scope of authority of representation), the patent administrator also has the authority of representation for the procedures after the registration as well as for the procedures pertaining to the patent right.

3. Death of Patent Administrator (→23-11)

(Revised February 2015)