

23—07 P U D T**Unauthorized Representation**

1. A procedure performed by those without authority of representation may be ratified by a person himself (herself) with capacity to act or a legal agent (the Patent Act Article 16(2), the Utility Model Act Article 2-5(2), the Design Act Article 68(2), the Trademark Act Article 77(2)).

(1) When certifying authority of representation of an agent for a person who performs procedures, it should be certified in writing (Enforcement Regulations of the Patent Act Article 4-3, 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)).

(2) When a procedure undertaken by an agent, but there is no written document certifying authority of representation (hereinafter, referred to as “a power of attorney”), or when a name of a person himself (herself) on the power of attorney is different, such procedure is deemed to be unauthorized representation.

(3) In this case, order a person himself (herself) to amend and submit a correct power of attorney (→ 21-00), and a person himself (herself) shall be ratified after the correct power of attorney is filed.

(4) When it is not ratified, the procedure is dismissed by decision (the Patent Act Article 133(3), the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Articles 56(1), 68(4), → a table of 21-03).

(Revised December 2020)