

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

1. A procedure performed by those without any authority of representation may be ratified by a principal with legal capacity to act or a legal agent (→ 23-01) (Patent Act Article 16(2), Utility Model Act Article 2-5(2), 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 principal on the power of attorney is different, such a procedure is deemed unauthorized representation.

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

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

(Revised December 2020)