

**23—11 P U D T****Handling of the Death of an Agent**

1. Authority of representation shall extinct by the death of an agent (Civil Code Article 111(1)(ii)). The death of an agent after filing a demand of trial and a trial decision or a court decision made afterward, only describe a name and an address (location) of a demandant or a demandee, but not describe a name and an address (location) of an agent whose authority of representation has been extinct.

**2. Procedures When Death of an Agent**

(1) In case of the death of a legal agent, the procedures shall be suspended until a legal agent of the party concerned or the party concerned who has acquired the capacity to act (→22) shall continue the procedure(→26-01) (Code of Civil Procedure Article 124(1)(iii), 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) shall apply mutatis mutandis).

(2) In case of the death of a voluntary agent, the procedures shall be performed by a party concerned afterward.

However, in case of a patent administrator (→23-04), an overseas resident must proceed the procedures by a patent administrator (the Patent Act Article 8(1), the Utility Model Act Article 2-5(2), the Design Act Article 68(2), the Trademark Act Article 77(2)), therefore, the party concerned shall receive a trial decision (or a decision) accompanied with a notification for appointing a patent administrator (→23-10).

(3) In case where a sub agent has been appointed

Authority of representation of a sub agent is not extinguished due to the death of an agent. However, this shall not preclude the person from dismissal of the sub agent.

A. In light of the purpose of representation to operate the litigation smoothly and promptly under Code of Civil Procedure, it is understood that authority of representation of a sub agent shall not extinguish despite the death of a litigation agent.

B. A patent procedure is performed in a series of flows and considered to be similar to a litigation procedure, thus, authority of representation of a sub agent shall not extinguish due to the death of the agent.

### 3. In case of Death of Sub Agent

In case of the death of sub agent, a procedure afterwards is performed by an agent.

(Revised Feb 2015)