

25—01 P U D T

Designated Time limit of Ex parte Appeal, Opposition to Registration of Trademark, and Hantei (Advisory Opinion)

Designated time limit of an ex parte appeal, an opposition to registration of trademark, and Hantei (advisory opinion) is as described in this chapter. For the following cases where this section (25-01) does not apply, please refer to each section below.

The same applies to a retrial on a final and binding trial decision for ex parte appeals and oppositions to registration of trademark.

Designated time limit of a trial for invalidation, a trial for correction and a trial for rescission of trademark registration (→ 25-01.2)

Designated time limit of an opposition to grant of patent (→ 25-01.4)

Extension of the designated time limit (→ 25-04)

I. Principle

The designated time limit is in principle handled as follows (The same applies to opposition to registration of trademark cases).

When, however, there is an agreement with a demandant/appellant, etc., a time limit different from the following time limit could be designated.

1. In a case where a person performing a procedure is a domestic resident (a resident in Japan)

(1) Based on the provisions of the law and the ministerial ordinance, a time limit which is designated by the Commissioner of the Japan Patent Office or a chief administrative judge (the designated time limit), shall be 60 days for a patent, 40 days for a design and a trademark, except for the followings.

(2) The designated time limit for submitting a written amendment and a written explanation is 30 days against an order of amendment or a notice of reasons for dismissal (Patent Act Articles 17(3), 18-2(2), 133(1)(2), 133-2(2),

provisions that apply mutatis mutandis to these provisions (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), 68(2), Trademark Act Article 43-15(1), 56(1), 60-2(1), 62(1)(2), 68(4)(5), 77(2)).

(3) Regarding a time limit of a certificate of experimental results, or a special model or sample to be submitted by a person who is requested to submit a written reply against an inquiry (Patent Act Article 134(4), provisions that apply mutatis mutandis to Patent Act Article 134(4) (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), Trademark Act Articles 43-15(1), 56(1), 62(1)(2), 68(4)(5)), a different time limit from one designated in (1) may be designated considering each case.

(4) If a date stamp indicating date of mailing of documents or articles with a designated time limit for submissionsent by postal mail or correspondence delivery service is not clear and it is unclear whether they are submitted within the designated time limit, a receipt of a registered mail, a special record mail, etc. are required. In that case, the designated time limit is 10 days (Patent Act Articles 134(4), 174(2)).

(5) If it is recognized that persons undertaking procedures and their agents are not possible to perform the procedures within the time limit specified in above (1) and (2) for reasons not attributable to them, a new time limit different from a time limit designated in above (1) and (2) may be designated, or necessary extensions of time to perform the procedures may be granted.

(6) An extension of time limit for persons in remote areas or areas with transportation difficulties (Patent Act Article 5, Design Act Article 68(1), Trademark Act Article 77(1) that apply mutatis mutandis to Patent Act Article 5) is applied when persons undertaking procedures or their agents reside in areas listed in the annex table below, and the extension time limit shall be 15 days.

2. In a case where a person undertaking procedures is an overseas resident

(1) A designated time limit for submitting documents and other articles shown below shall be 3 months for patents, designs. However, when it is found these articles may be prepared only by an agent, the designated time limit shall be the same as regulated in above 1. (1).

A. Written opinion

B. Written notice responding to an order for consultation (Patent Act Article 39(6), Design Act Article 9(4), Trademark Act Article 8(4))

C. Articles in above 1. (3)

D. Written amendment (except for a written amendment submitted by a person who is ordered an amendment under the Patent Act Article 17(3), the Patent Act Article 133(1)(2) and provisions that apply mutatis mutandis to these provisions (Patent Act Article 174(2), Design Act Articles 52, 58(2)(3), 68(2), Trademark Act Articles 43-15(1), 56(1), 60-2(1), 62(1)(2), 68(4)(5), 77(2)).

(2) A designated time limit for submitting a written amendment or a written explanation of above 1. (2) shall be 30 days.

(3) A designated time limit for submitting articles other than those specified in each item of above (1) shall be the same as a time limit specified in above 1. (1).

(4) The provisions in above 1. (3) ~ (5) are applied mutatis mutandis to cases where an overseas residents perform procedures.

II. Designated Time limit of Hantei (Advisory Opinion)

1. A designated time limit for filing a written opinion, a written reply and a refutation on Hantei (Advisory opinion) shall be, common to all laws, 30 days for a domestic resident and 60 days for an overseas resident (no extension is allowed by request).

2. A time limit for filing a written opinion or a written explanation is 30 days (that is designated as in above I. 2. (2)).

(→ Time Limits in General, Formality Examination Manual (04. Time Limits))

Annex Table

Tokyo	Izu Islands ・ Ogasawara Islands
Ishikawa Prefecture	Hegura Island, Ama-cho, Wajima-shi,
Kagoshima Prefecture	Nansei Islands
Okinawa Prefecture	Surrounding islands excluding Okinawa main island
Hokkaido	Islands surrounding Hokkaido

(Revised March 2025)