25－03 P U D T
Designation of Time Limit When a Duplicate of a Written Reply, etc. Is Served

When a chief administrative judge accepts a written reply or a request for correction (hereinafter referred to as “a written reply, etc.”) from a demandee in response to service of a duplicate of a written demand, the chief administrative judge shall serve the duplicate of the accepted written reply, etc. to a demandant (Patent Act Article 134(3), Utility Model Act Article 39(3), Design Act Article 52, Trademark Act Articles 56(1), 68(4)).

The chief administrative judge takes the following procedures for service of a duplicate of the accepted written reply, request for correction or written refutation to a counterparty, to give an opportunity to state an opinion.

1. When an opportunity to state an opinion is given by designating a time limit, a notice of dispatch a duplicate of a written reply shall be prepared including such a time limit, and a duplicate of a written reply, etc. shall be served to a demandant.

2. When there is no need to designate a time limit, a notice of dispatch a duplicate of a written reply shall be prepared and a duplicate of a written reply, etc. shall be served to a demandant.

3. The same as 1 or 2 in the above shall apply to service (dispatch) of a duplicate of a written refutation to a demandee upon receiving the refutation from a demandant.

(Note) A time limit is designated for an inter partes trial to promote and facilitate the proceedings of a trial, and a party concerned may submit

documents such as a written reply, etc. until a notice of conclusion of the trial proceedings is issued under the Patent Act Article 156 (1965 (Gyo-Ke) 5, Judgment of the Tokyo High Court, Sep 3, 1974). Therefore, even the documents which are submitted after the designated time limit has passed may be subject of the proceedings.

(Revised December 2023)