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 against the service of a duplicate of a written demand, he/she shall serve the duplicate of the accepted written reply or the accepted request for correction to a demandant (the Patent Act Article 134(3), the Utility Model Act Article 39(3), the Design Act Article 52, the Trademark Act Articles 56(1), 68(4)).

The chief administrative judge take the following procedures for serving a duplicate of the accepted written reply, the accepted request for correction or the accepted 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 dispatching a duplicate of a written reply shall be prepared 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 dispatching 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.

(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 been passed shall be subject to the proceedings.

(Revised Feb 2015)