

32-01 P U D T
Notification of Documentary Proceedings
in a Trial for Invalidation

1. When a chief administrative judge decides to conduct documentary proceedings upon request of parties concerned or interveners or ex officio (the Patent Act Article 145(1), the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Articles 56(1), 68(4)), the chief administrative judge notifies documentary proceedings to the parties concerned and the interveners in a trial for invalidation (including a trial for rescission of trademark registration).

However, when documentary proceedings shall be conducted after the oral proceedings, if it notifies to the effect that the documentary proceedings is conducted afterward to the parties concerned and the interveners who appeared on the date of oral proceedings for the case, it is not necessary to notify them in writing. If, however, one or both of the parties concerned or the interveners did not appear on the date of oral proceedings, it may be necessary to notify to those who did not appear on the oral proceedings.

2. When the chief administrative judge decides to conduct documentary proceedings, a notice of documentary proceedings shall notify as soon as possible.

3. It is not required to notify documentary proceedings when a written demand for trial shall be rejected by decision of a chief administrative judge under the Patent Act Article 133(3) (the Utility Model Act Article 41, the Design

Act Article 52, the Trademark Act Articles 56(1), 68(4)).

4. When a demand for trial shall be rejected by trial decision due to unlawful request under the Patent Act Article 135 (the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Articles 56(1), 68(4)), the details are as follows.

(1) When no opportunity is given to a demandee for submitting a written reply, the documentary proceedings is not necessary to be notified.

Code of Civil Procedure Article 140 provides that “If an action is not in accordance with the law and this defect cannot be corrected, the court may enter a judgment to reject the action without prejudice, without hearing oral arguments.” Therefore, it is considered documentary proceedings are not necessary to be notified.

(2) When an opportunity is given to a demandee for submitting a written reply, the documentary proceedings should be notified to parties concerned and interveners.

(Revised Feb 2015)