

## **33-00 P U D T**

### **Oral Proceeding Method**

#### 1.Oral Proceeding Method and Its Advantage

A method of oral proceedings includes document proceedings and oral proceedings. An invalidation trial is supposed to be conducted by oral proceedings in principle (the Patent Act Article 145, the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Article 56).

Oral proceedings have advantages that the panel may correctly understand the issues by drawing out the allegation of a party concerned that cannot be fully stated in documents through the inquiry of a chief administrative judge. Oral proceedings have another advantage that the panel may understand accurately the technical contents by receiving an explanation of a party concerned.

Since sufficient oral statements are made in oral proceedings, a party concerned may not be necessary to submit a second written reply or written refutation, and as a result, there is one aspect that oral proceedings may be carried out faster than document proceedings.

In addition, there is another aspect in oral proceedings that positive presidency of the proceedings are conducted so that a party concerned may allege only on the necessary issues and allegation and proof other than the issues may be omitted.

#### 2.Difference of Oral Proceedings in Civil Litigation

Oral proceedings of the JPO are different from ones in civil litigation in that presidency of the proceedings based on ex officio may be conducted. Thereby, oral proceedings of the JPO may lead an optimal solution of a case

by devising different ways according to the case.

The proceedings of the JPO may be conducted by oral proceedings or documentary proceedings. Therefore, even when oral proceedings are conducted, all submitted documents are deemed to be valid statements at a trial/appeal.

Therefore, oral proceedings of the JPO are different from ones in civil litigation: they are significant to realize appropriate allegation and proof of a party concerned by the inquiry and organization of issues by a chief administrative judge, but they do not have a legal significance to orally state what was submitted in documents in front of administrative judges.

(Revised Feb 2015)