

33-04 P U D T**Guidelines for Trial Records of Oral Proceedings**

1. A trial record of oral proceedings shall be prepared by a trial clerk by each trial date (the Patent Act Article 147(1), the Utility Model Act Article 41, the Design Act Article 52, the Trademark Act Articles 56(1), 68(4)).

2. A trial record of oral proceedings is an official document prepared to notarize the content of oral proceedings.

3. The formal information is entered in the designated places of a trial record of oral proceedings under Form 1, such as a trial case number, a date, public or private proceedings (and a reason thereof), a place, a name of person appearing in court, a name of members of panel (a name of administrative judges), a name of trial clerk, and then a name of persons making a statement and a brief statement of the main point of the statement are also recorded in the form.

The record allows to include a document, a photo, a recording tape, a video tape, and things that the judges deem appropriate for citing, and they may become a part of the record by attaching therewith (Enforcement Regulations of the Patent Act Article 56, Enforcement Regulations of the Utility Model Act Article 23(12), Enforcement Regulations of the Design Act Article 19(8), Enforcement Regulations of the Trademark Act Article 22(6), Rules of Civil Procedure Article 69).

Please note the following points in preparing the statement.

(1) When a statement is made based on a document such as a written demand for trial or a written reply, the record includes that a statement is as stated in such a document by specifying the document, a submission date, and applicable parts (page, item) of the document if necessary.

Other items such as the content of presidency of the proceedings of a chief administrative judge, or a statement of opinion, allegation and objection of parties concerned are clearly indicated in the record. If a chronological order is required for remarks of parties concerned or a chief administrative judge, the remarks are described in a chronological order.

The details are described in the record when allegation or means of proof is withdrawn, or establishment of evidence is asked to approve.

(2) When a statement is made on the matters not included in a written demand for trial, a written reply, etc., a chief administrative judge repeats the statement to confirm the content of the statement of a party concerned and a trial clerk is directed to record such matters.

When a content to be stated is rather long and complicated or unclear, a chief administrative judge may order to submit in writing later. In that case, the record includes such direction and later submission of a written statement (a due date and means of submission).

(3) When a chief administrative judge notifies of a conclusion of the proceedings, reaching the point at which a

decision on the trial can be rendered of the case, or document proceedings in future, a trial clerk records accordingly.

(4) When a decision of permissibility of amendment not in writing, a notice of reasons for invalidation, or a notice of reasons for rejection of correction, etc. is notified, a trial clerk records accordingly.

(5) In oral proceedings, an examination of evidence (→ 35-01) may be conducted at the same time. In that case, an examination of evidence is conducted as stated in an examination record of evidence (→ 35-02) prepared separately from a trial record of oral proceedings, a trial clerk records accordingly and indicates at what stage of the oral proceedings an examination of evidence is the made.

(6) When exclusion or recusation is requested orally, presidency of the proceedings of a chief administrative judge is specifically recorded accurately and closely, if a written explanation is submitted within 3 days and a trial for exclusion or recusation (→ 58-01~05) is filed, the procedure is taken to duplicate this part of the record and continuously file in a case record.

4. After preparing, a trial clerk shall send a copy of a trial record of oral proceedings to both parties concerned by facsimile or e-mail (excluding an examination record of evidence, a record citing a recording tape, etc.).

(Revised December 2020)

[Form 1] Trial Record of Oral Proceedings

1 st Trial Record of Oral Proceedings	
Trial No.	Invalidation 2 0 ○ ○ - 8 0 0 ○ ○ ○
Date	Date and Time (AM/PM)
Place and Open/Close to the Public	Open to the Public at Trial Court at the JPO
Chief Administrative Judge	○ ○ ○ ○
Administrative Judge	○ ○ ○ ○
Administrative Judge	○ ○ ○ ○
Trial Clerk	○ ○ ○ ○
Those Who Appear in Court(Parties Concerned, etc.)	
Patent Attorney of Demandant	○ ○ ○ ○
Patent Attorney of Demandant	○ ○ ○ ○
Patent Attorney of Demande	○ ○ ○ ○
Patent Attorney of Demande	○ ○ ○ ○
Point of Statement	
Demandant	
1	< Point of statement of a party concerned >
2	< Matters to be described by order of a chief administrative judge >
3	< Matters permitted to be described by a chief administrative judge by a request of a party concerned >
4	< Other necessary matters >
Demande	
1	< Point of Statement of a party concerned >
2	< Matters to be described by order of a chief administrative judge >
3	< Matters permitted to be described by a chief administrative judge by a request of a party concerned >
4	< Other necessary matters >
Chief Administrative Judge	
1	< Matters to be described by order of a chief administrative judge >
2	< Matters permitted to be described by a chief

administrative judge by a request of a party
concerned >

3 < Other necessary matters >

Chief Administrative Judge

Administrative Judge at JPO ○○○○

Trial Clerk ○○○○

(Revised June 2019)