

33-09 P U D T

Online Oral Proceedings

1. Online Oral Proceeding

(1) Online oral proceedings refer to the procedure of oral proceedings (Patent Act Article 145(6)) where a panel and a trial clerk, and parties concerned and intervenors can communicate with mutual recognition of the status of other persons through video and audio transmission and reception.

(2) Online appearance means that parties concerned and intervenors are involved in the processes on the date of online oral proceedings by using a web conference system without appearing in court. The parties concerned and intervenors who appeared in court online are deemed to be appeared in court on that day. They are treated the same as parties concerned and intervenors who appeared in court (Patent Act Article 145(7)).

(3) A panel and a trial clerk shall attend a trial court even for online oral proceedings. A member of the JPO may sit in a seat of a bailiff for operating machines, etc.

2. Online distribution limited to persons related to parties concerned

A chief administrative judge may approve online distribution of oral proceedings limited to persons related to parties concerned. Online distribution is not intended to open to public (Patent Act Article 145(5)).

(Note) For details of online oral proceedings, please see the following materials that are published on the JPO's website.

- Online Oral Proceedings and Related Materials (in Japanese)”

(https://www.jpo.go.jp/system/trial_appeal/general-koto/online-kankeishiryō.html)

This website contains, for example, the following information:

“Practical Guide for Oral Proceedings (in Japanese)”

(https://www.jpo.go.jp/system/trial_appeal/general-koto/koutou_shinri.html)

“Q&A for Online Oral Proceedings (in Japanese)”

(https://www.jpo.go.jp/system/trial_appeal/general-koto/document/index/qa.pdf)

“Implementation Guidelines for Online Appearance (in Japanese)”

(https://www.jpo.go.jp/system/trial_appeal/general-koto/document/index/online-shuttou.pdf)

“Implementation Guidelines for Online Distribution (in Japanese)”

(https://www.jpo.go.jp/system/trial_appeal/general-koto/document/index/online-haishin.pdf)

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