

35-10 P U D T**Refund of Money on Deposit Deposited in Advance for
Examination of Evidence**

1. When money on deposit deposited in advance (advance payment) becomes unnecessary for payment of costs required for examination of evidence

(1) Refund the deposit to a person who paid in advance in the following cases.

A. When a trial case is terminated by decision, when a demand for trial is withdrawn, and when an opposition to grant of patent (registration of trademark) with a request for examination of evidence, or a request of examination of evidence is withdrawn.

B. When a chief administrative judge decides that it is not necessary to examine the evidence thereafter even during the pendency of the trial case.

(2) When an examination of evidence is terminated and there is the balance even after making the required payment, the balance is refunded to a person who paid the deposit.

2. Non-refundable deposit (advanced payment) shall vest in the national treasury after 5 years has been passed from the day following the date of releasing from liability of money on deposit (Act on Money on Deposit, Article 1). The date of releasing from liability of money on deposit is determined by the earliest date among the following dates: a date of termination of a trial case by decision, a date of withdrawing a demand for trial, a date of withdrawing an opposition to grant of patent (registration of trademark) with a request for examination of evidence, or a date of withdrawing a request for examination of evidence (Act on Money on Deposit).

[Loss of right to refund money on deposit]

Article 1 Public funds and privately owned funds deposited by the government in accordance with Law, Cabinet Order, or Enforcement Regulation shall become the government income when the refund is not requested after five years have been passed in accordance with the calculation method on the left. However, the time period for loss of rights is separately determined by different laws, it shall comply with the applicable law.

(1) If there is the time for releasing from liability of money in deposit, the calculation will start from the next day of the release.

(2) If there is no specific time for releasing from liability of money in deposit, the calculation will start from the next day of the deposit.

(3) If it is not possible to request a refund due to a lawsuit, the calculation will start from the next day after the trial decision becomes final.

[Money on deposit and interest]

Article 2 Money on deposit is not subject to interest unless it is determined by Law, Cabinet Order or Enforcement Regulation, or contract.

[Not negotiable certificate of money on deposit]

Article 3 A certificate of money on deposit shall not be sold, bought, transferred, or pledged.

3. A clerical work for the above 2. is charged on a trial clerk.

(Revised Feb 2015)