

37-00 P U D T
Order, Inquiry, Notice, etc.

Among trial/appeal procedures under the name of a chief administrative judge to parties and people concerned of the case, the procedures other than a trial/appeal decision and a decision provided by law, include an order and an inquiry to direct parties to respond, and a notice only to notify something, according to a purpose of each procedure. When a written document is issued for these procedures, each procedure is handled as below.

1. Order, Inquiry

A purpose of order or inquiry is that a chief administrative judge or a panel asks parties, etc. for performing the specific procedures, replying, or submitting a sample or an experimental result, etc.

For order or inquiry (→ 37-02), in relation to ask parties, etc. for a response, it is necessary to specify the time period, and to state an appropriate indication to identify the content of order, etc. in the document to distinguish from a subsequent notification, and not merely indicate as “Notice”.

For example, “Inquiry” is indicated on a document when asking for explanation for unclear points in the present application. A written document to be submitted responding to the inquiry shall be indicated as a written reply, etc.

[Example]

Order of amendment, Inquiry

Order of advance payment

Order of submitting a sample or a written experimental result

2. Notice

A purpose of notice is that a chief administrative judge or a panel merely informs parties, etc. of generation of pendency of a trial and its content, development of trial procedures and its content, matters to be determined or an opinion of a chief administrative judge or a panel, or inform parties, etc. of an opportunity to state their opinion.

When a notice is a merely information purpose, it is just sent and does not ask for a response such as an opinion of parties, etc., whereas when a notice is sent to give an opportunity to state an opinion of parties, etc., it asks for a response passively like “if you have an opinion on this issue” by specifying a period for response.

[Example]

Notice of demand for a trial for invalidaiton

Notice of documentary proceedings

Notice of date of oral proceedings, examination of evidence

Notice of consolidated proceedings

Notice of reasons for refusal

Notices related to ex parte appeals (such as a notice where retroactive effects from the filing date are not accepted for a divisional or converted application)

Notice of ex officio examination of evidence

Notice of results of preservation of evidence

Notice of delivery of duplicate

Notice of succession

Notice of continuation of procedures

Notice of termination of proceedings

Notice of resumption of proceedings

Notice of additional period to term for an action

(Note) Excluding the following action from this section(37-00): an action

of issuance of a written document to a person other than parties under the name of a chief administrative judge (for example, an order of summons of witness, a commission of examination of evidence, an inquiry for on-site inspection, etc.) (→ 35-01, 35-03, 35-06).

(Revised Feb. 2015)