

44-01 P U D T
Matters to Be Stated in Decision

1. Types of Decision

Types of decision include: a decision on an opposition to grant of patent (registration of trademark), an interlocutory decision of a trial/appeal, a decision to dismiss a demand/request for trial/appeal under a name of a chief administrative judge, a trial decision on exclusion or recusation (Patent Act Article 143, Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)). Matters to be stated in the decision are regulated in Enforcement Regulations of the Patent Act.

2. Details of Matters to Be Stated (Matters to be stated in inter partes trials → 45-03)

(1) Decision on Opposition to grant of patent (Patent Act Article 120-6)

Matters to be stated in a decision (→ 67-07 3.)

(2) Decision on Opposition to registration of trademark (Trademark Act Article 43-13)

Matters to be stated in a decision (→ 66-04 4.)

(3) Decision to approve or disapprove of intervention (Enforcement Regulations of the Patent Act Article 50-6) (→ 57-07 3.)

A. In case of approval, a burden of expenses is not stated in the conclusion (→ 47-01 3. (3))

B. An applicant for intervention is stated after the identification of parties.

C. A status of intervenor, especially which side a petitioner applies for intervention is normally neither stated in the indication of parties nor conclusion.

(4) Decision to dismiss an amendment (Enforcement Regulations of the Patent

Act Article 33)

(5) Decision to dismiss a demand/request for trial/appeal (for an invalidation trial, a case to which Patent Act Article 134-2(9) is applied is included)

A. Reasons for dismissal of a demand/request by decision is regulated in Patent Act Article 133(1)(2) (Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)) (→ 21-03)

B. When a chief administrative judge renders a decision to dismiss a written demand/request for trial/appeal under Patent Act Article 133(3) (Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)), reasons therefor shall be attached under Patent Act Article 133(4).

C. Identification of parties, etc. in a decision to dismiss a demand/request (→ 45-10)

D. Signature and seal in a decision to dismiss a demand/request

(6) Decision on exclusion or recusation

Matters to be stated in a decision on exclusion or recusation and the notes (→ 59-05)

3. Signature and Seal

All administrative judges in a panel shall sign and seal (Enforcement Regulations of the Patent Act Article 50-13(1)).

(Imprint alternative measures → 00-02 2.)

(Revised Feb. 2015)