

45-01 P U D T**Procedures for Rendering Trial and Appeal Decision**

1. A trial/appeal decision is generally rendered within 20 days from the date on which a notice of conclusion of the proceedings was issued (Patent Act Article 156(1)(4), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)) other than a termination of a trial/appeal by a decision of dismissal (→ 44-01 2.(5)), a withdrawal of demand/request for trial/appeal (→ 43-01,02), or an abandonment, withdrawal or change of application (→ 61-05 9.), and a trial/appeal case is terminated.

2. A trial/appeal decision includes a dismissal by decision due to an unlawful demand/request for trial/appeal (Patent Act Article 135, Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)), and a trial/appeal decision after the proceedings of the case (Patent Act Article 156(1)(3), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)).

3. Matters to Be Stated in a Trial/Appeal Decision (Patent Act Article 157(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)) (→ 45-03)

4. Consolidation of Trial/Appeal Decisions

(1) When both parties or one of the parties are identical in two or more trial/appeal cases, these proceedings may be consolidated or the proceedings consolidated may be separately conducted (Patent Act Article 154(1)(2), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)). Therefore, it is possible that a trial/appeal decision of the

consolidated proceedings is rendered by one written trial/appeal decision.

(2) Items to be included for a consolidated trial/appeal decision (→45-03 2.)

5. When a trial/appeal decision is rendered, a certified copy of the decision is served to a party, an intervenor, and a person whose application for intervention was rejected (Patent Act Article 157(3), Utility Model Act Article 41, Design Act Article 52, Trademark Act Articles 56(1), 68(4)).

6. Request for Providing Information Stated in Document to Be Submitted by Electromagnetic Means

When a party or intervenor has an electromagnetic record (a record prepared by an electronic method, a magnetic method, and other methods not recognizable by perception of others, and provided for information processing by computer) that records the information in a submitted document or a document to be submitted, an administrative judge may ask the party or intervenor for providing the information that records in said electromagnetic record by the electromagnetic method when an administrative judge deems it necessary for preparing a trial/appeal decision and other cases (Enforcement Regulations of the Patent Act Article 50-11, Enforcement Regulations of Utility Model Act Article 23(12)→Enforcement Regulations of the Patent Act Article 50-11, Enforcement Regulations of the Design Act Article 19(8)→Enforcement Regulations of the Patent Act Article 50-11, Enforcement Regulations of the Trademark Act Article 22(6)→Enforcement Regulations of the Patent Act Article 50-11). (See the JPO website for the detailed submission method)

(Revised June 2019)