

50-00 P U D T**Handling of a Demand/Request for Trial/Appeal in Which
a Company in Bankruptcy Was Requested as a Demande**

In an inter partes trial case, when a duplicate of a demand for trial is not reached to a demandee and it is found that a demandee is bankrupt, the case is handled as below.

1. A demandant is suggested to promote a procedure for appointing a liquidator of a demandee (Companies Act Article 478) and is notified that a demand for trial is amended to the effect that said liquidator is appointed as a procedural person of a demandee.

2. If there is no response from a demandant, or it is apparent that a demandant has no intension to petition for appointment of a liquidator, an amendment is ordered under the name of a chief administrative judge regarded as a deficiency in the demand for trial (Patent Act Article 133(1), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)).

3. When a demandant does not submit a written amendment, a demand for trial shall be dismissed by decision (Patent Act Article 133(3), Utility Model Act Article 41, Design Act Article 52, Trademark Act Article 56(1)).

(Revised Feb 2015)