Handbook for Trial and Appeal System in Japan

For appropriate acquisition and exercise of industrial property rights
The Trial and Appeal System is a mechanism for developing Japanese industry in cooperation with intellectual property users

In recent years, the importance of "intellectual property (IP) strategy," a strategy to enhance business competitiveness, has gradually become recognized. Even those, who know filing procedures before the Japan Patent Office (JPO) for acquisition of industrial property rights such as patents, utility models, designs, and trademarks, might not generally know what should be taken if the rights fail to be acquired or what determinations or actions can be taken to avail themselves of the benefits arising from the acquired rights. The trial and appeal system is essential for developing business activities through appropriate acquisition and exercise of rights, and for protecting business from the rights of others. The Trial and Appeal Department (TAD) of the JPO, which is responsible for the trial and appeal system in Japan, has a mission to endeavor to utilize industrial property rights effectively for developing Japanese industry under the trial and appeal system.
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What can be done with the trial and appeal system?

The key to successful IP strategic planning is to know the "trial and appeal system"

The Trial and Appeal Department (TAD), one of the departments of the JPO, plays two major roles. One is a role of "upper instance of examination" to determine the appropriateness of the examiner's decision of refusal. The other is a role of "reaching an early resolution of IP disputes" to review the validity of rights and contribute to IP dispute resolution.

What is aimed for, based on these roles, is that rights shall be appropriately granted and protected the way it's supposed to be. The Trial and Appeal Department (TAD) makes final determinations regarding the validity of IP rights to facilitate an IP strategy for developing the Japanese industry.

<table>
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<th>Persons eligible</th>
<th>Applicants who are notified of decision of refusal</th>
<th>Anyone</th>
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<tr>
<td></td>
<td>Trademarks</td>
<td>Trademarks</td>
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</table>

For details, check the corresponding page.

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P8

Note: The trial and appeal system other than those described above includes an appeal against examiner's decision to dismiss amendment and an expert opinion by the commission of the court.
Trial and Appeal Department (TAD), the Japan Patent Office

- P10
- P12
- P13
- P14

Examples of interested persons
- Who received a warning letter related to infringement of the right
- Who are accused of infringement of the right
- Who have a similar right
- Who work or plan a business related to the right
- For designs, any persons may file a request for opposition since there is no opposition system for designs.

Examples of those who need an advisory opinion of the JPO
- Who want to know whether a product, etc. of others would infringe on the own right
- Who want to know whether the own product, etc. in working or planning would not infringe on the rights of others (who want to work them without any worry)
When applicants are dissatisfied with the decisions

Appeal against examiner's decision of refusal

What can be done?

**Determine the appropriateness of the decision of refusal and whether a right can be granted**

For dissatisfaction with the decision of refusal by the examiner, "appeal against examiner's decision of refusal" can be requested. A panel consisting of administrative judges examines whether the decision of refusal is appropriate. If it is determined inappropriate, the Trial and Appeal Department (TAD) conducts an ex officio investigation with regard to presence or absence of other reasons for refusal, and determines whether the right can be granted.
Point 1

Approximately 70% of the requests are granted.

The rate of requests granted in patents (the rate of examiners’ decisions of refusal revoked) has moderately increased since 2009 and reached 69.8% in 2020. The rate of requests granted in designs was 74.1% and that in trademarks was 68.5%.

It indicates that requests were granted at a high rate of approximately 70% in all IP types.

- Patents: 69.8%
- Designs: 74.1%
- Trademarks: 68.5%

* Registrations based on reconsiderations by examiners before appeal proceedings are excluded

Point 2

More than 80% of the appeal decisions is maintained

For dissatisfaction with the determination of the Trial and Appeal Department (TAD), the case may be further filed an action before the Intellectual Property (IP) High Court. In the revocation actions against decisions in appeals against the examiner’s decision of refusal (patents), more than 80% of the appeal decisions have been recently maintained by the IP High Court. Appeal decisions for designs and trademarks are also maintained at a high rate.

Rates of the Trial and Appeal Department (TAD) appeal decisions maintained by the IP High Court
in revocation actions against the decisions of appeal against the examiner’s decision of refusal (patents)

Approximately 80%
Opposition to grant of patent
Opposition to registration of trademark

What can be done?

A third party can file an opposition against a granted patent or a registered trademark

"Opposition" system allows the public to oppose to a grant of patent or registration of trademark within 6 months from the publication of a gazette containing the patent or within 2 months from the publication of a gazette containing the trademark.

If it is considered that there are deficiencies in the right acquired by others, anyone can file an opposition. A panel consisting of administrative judges first conducts an ex officio investigation as necessary and then examines the allegation and evidences of the opponent whether "the right should be revoked."

Correcting deficiencies in the right acquired by others makes the right more reliable and leads to the prevention of disputes and smooth utilization of rights.

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*In oppositions to registration of trademark, procedures and time limit may be different from those of a patent.*
Burden of procedures is minimum on opponents to eliminate obstacles of business activities

"Opposition to grant of patent" is basically conducted in documentary proceedings between the Trial and Appeal Department (TAD) and right holders so that the burden of the procedures is eased on opponents, thus it is easy to use for opponents. In addition, even if a person is not an interested person in the case, he/she can file a request for opposition. Therefore, "opposition to grant of patent" is considered as a system appropriate for eliminating the third party’s patent which would obstruct business activities with the minimum burden.

Some changes were made to approximately 60% of the opposed patents.

Some changes have been made to more than half of the opposed patents in "opposition to grant of patent” cases. There are quite a few cases where the opposed claims are deleted or significantly restricted. This proves that "opposition to grant of patent" leads to enhance reliability of the registered rights.

Results of proceedings of opposition to grant of patent

Oppositions filed between April 2015 and December 2020: 5,006 cases

- Maintained (without corrections): 36.2%
- Maintained (with corrections): 50.7%
- Revoked*: 11.6%
- Dismissed (with corrections): 1.1%
- Dismissed (without corrections): 0.2%
- Withdrawals: 0.3%

\[50.7\% + 11.6\% + 1.1\% = 63.3\%\]

Some changes were made to 63.3% of the opposed patents.

* Of cases in which requests for oppositions have been filed, pending opposition cases are excluded.

* All or a part of the claims of the opposed patents
# Trial for invalidation

<table>
<thead>
<tr>
<th>IP types</th>
<th>What can be done?</th>
</tr>
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<tbody>
<tr>
<td>Patents</td>
<td></td>
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<tr>
<td>Utility models</td>
<td></td>
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<tr>
<td>Designs</td>
<td></td>
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<tr>
<td>Trademarks</td>
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## Invalidity of rights involving deficiencies shall have binding legal effectiveness as to third parties

If interested persons wish to invalidate the rights of patent, utility model, design, or trademark, that should not have been originally granted, with binding legal effectiveness as to third parties, they may file a request for “trial for invalidation.”

“Trial for invalidation” is a system for resolution of a dispute between parties concerned regarding the validity of the rights. A panel consisting of administrative judges conducts ex officio investigation if necessary. This system also gives both the parties an opportunity to fully allege their opinions, and enables the panel to draw allegations from the parties, that are difficult to fully make in writing, through oral proceedings. Furthermore, the Trial and Appeal Department (TAD) began “planned oral inquiries” in April 2020. Based on an agreed schedule, which is agreed by both the parties, they sort out the issues through multiple in-person meetings with the panel.

## Typical cases to utilize the systems

<table>
<thead>
<tr>
<th>CASE 1</th>
<th>As a countermeasure against an allegation by the right holder</th>
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<tr>
<td>Receive a warning letter that alleges the infringement of the right</td>
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As soon as Company A began selling a new product, it received a warning letter from Company B stating that “your product infringes the right of Patent Registration No. xx, thus, we demand that you stop the sales, dispose your inventory, and compensate for damages. Without your sincere response, we may consider filing a lawsuit.” Company A examined the content of Company B’s patent right and then considered it as a conventionally known art. Therefore, Company A filed a request for trial for invalidation to avoid the suspension of the sale of the new product.

<table>
<thead>
<tr>
<th>CASE 2</th>
<th>As a means to prevent an infringement lawsuit before it happens</th>
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<tbody>
<tr>
<td>Accused of the infringement of the right</td>
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</table>

For Company A’s product, Company B filed an infringement lawsuit with the District Court, stating that “your goods infringe the right of Design Registration No. xx, thus, we demand that you stop the sales, dispose your inventory, and compensate for damages.” Company A examined the content of Company B’s design right and then considered it as being similar to a conventionally known design. Therefore, Company A filed a request for trial for invalidation to proceed the litigation advantageously.

<table>
<thead>
<tr>
<th>CASE 3</th>
<th>A right related to the art used for the business of the company has already been acquired by the other company</th>
</tr>
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</table>

It was found that the art used in Company A’s product has a relation with Company B’s patent. It is possible that a warning letter or a lawsuit for the infringement of the right will be filed by Company B in the near future. Company A examined the content of Company B’s patent right, and then considered that there was a deficiencies in the description of the scope of the right. Therefore, Company A filed a request for trial for invalidation in advance to avoid a dispute with Company B.

<table>
<thead>
<tr>
<th>CASE 4</th>
<th>A right related to the goods about to be used for the business of the company has already been acquired by the other company</th>
</tr>
</thead>
</table>

When Company A has the famous mark with the trademark right in cosmetics and was about to use the mark for foods as well, it was found that Company B had acquired the trademark right in foods after Company A’s mark became famous. It is possible that a warning letter, etc., will be filed if Company A began selling the foods with this mark attached.

Considering that Company A’s mark has already been famous, Company B’s trademark right should not have been registered originally. Therefore, Company A filed a request for trial for invalidation in advance to avoid a dispute with Company B.
The difference between invalidity defense and trial for invalidation

In an infringement lawsuit, “invalidity defense” is defined as a defendant’s allegation that “the right, on which the plaintiff based the request, should be invalidated.” If this defense is approved, the plaintiff’s request will be dismissed.

When patent invalidity defense is raised, the court that deals with the infringement lawsuit can also determine whether the patent, etc. that is going to be exercised has any reason for invalidation.

However, court decisions have only relative effects between the parties, and even if the court determines that the patent right, etc. has any reason for invalidation, invalidity of the said right itself shall not have binding legal effectiveness as to third parties.

On the other hand, requests for “trial for invalidation” are concurrently filed in some infringement lawsuits. The Trial and Appeal Department (TAD) is supposed to give priority to and quickly examine “trial for invalidation” cases.

Trial decisions in “trial for invalidation” have not only relative effects between the parties but also binding legal effectiveness as to third parties.

Invalidation defense in court

The validity of court decisions shall have binding legal effectiveness only to the parties concerned.

Trial for invalidation at the Trial and Appeal Department (TAD)

The validity of trial decisions shall have binding legal effectiveness as to third parties.

Determination of whether the right is valid or invalid

Court decisions first: 7 cases (in 2020)

Determination of whether the right is valid or invalid

Trial decisions first: 20 cases (in 2020)

Rates of trial decisions maintained by courts

Cumulative average rate for the last 10 years

- 70.4%

In 2020

- 79.4%

Reliability of trial decisions in trials for invalidation

Of cases in which determination of validity or invalidity was made, the concordance rate of conclusions between “trial for invalidation” at the Trial and Appeal Department (TAD) and infringement lawsuits in the District Courts is 83% for patents. In revocation actions against trial decisions in “trial for Invalidation,” approximately 70% of the trial decisions were maintained by the IP High Court.
Trial for rescission

**What can be done?**

**Registration of trademark that has not been used can be rescinded**

A trademark that your company wants to use has already been registered by other company. However, it seems that the trademark has not been actually used by the other company. A measure that can be taken in such cases to use the trademark is "trial for rescission."

When the trademark has not been used for the designated goods or services for more than 3 consecutive years in Japan, registration of the trademark can be rescinded. When a trial decision to rescind registration of the trademark becomes final and binding, the trademark right shall be deemed to have extinguished on the registration date of the request for the trial.

**Point 1**

**The demandant does not need to prove the fact of "nonuse"**

Upon filing a request for "trial for rescission," use of the registered trademark has to be proved by the trademark holder (the demandee), thus, the demandant does not need to prove its use. If the demandant proves that "the use of the registered trademark during the period from 3 months prior to the filing of the request for a trial to the registration date of the filing of the request" occurred only after the demandee became aware of the fact that a request for a trial for rescission would be filed, it does not fall under the use of the registered trademark.

**Point 2**

**Requests for trial for rescission can be filed in various cases.**

<table>
<thead>
<tr>
<th></th>
<th>Trial for rescission due to misuse of a registered trademark by a trademark holder or a licensee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>When a trademark has been misused, in a manner that it intentionally misleads as to the quality of goods and services, or intentionally confuses with goods and services pertaining to the business of another person.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Trial for rescission due to confusion about use as a result of transfer of a trademark right</th>
</tr>
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<tbody>
<tr>
<td>2</td>
<td>When a registered trademark is transferred to different right holders after registration, one uses it for the purpose of unfair competition and thereby causes confusion with the goods and services pertaining to the other's business.</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>Trial for rescission due to unfair registration by representatives, etc.</th>
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<tbody>
<tr>
<td>3</td>
<td>When an application is filed for trademark registration by representatives, etc. without any legitimate reason or consent of the overseas holder of the trademark right.*</td>
</tr>
</tbody>
</table>

* Persons who can file a request for trial for rescission is limited.
Correction of deficiencies of patent rights

Trial for correction

What can be done?

Deficiencies of patent rights can be voluntarily corrected

If there are deficiencies in a part of a registered patent right and they need to be corrected, a patentee may file a request for “trial for correction.” Thereby, this enables smooth exercise of rights.

If someone alleges invalidity of a patent or it is expected, this system is often used in order for patentees to dissolve reasons for invalidation.

Points

A request for trial for correction can be filed for various purposes.

1. If someone alleges invalidity of a patent or it is expected, this system can be used so that a patentee can dissolve reasons for invalidation.

2. When exercising a patent right against others, it is possible to reduce a risk of making the patent invalid by a trial for invalidation filed by others, by reviewing one’s own patent rights in advance and correcting deficiencies if any.

3. If a part of the patent right becomes unnecessary due to changes in the business environment, a trial for correction can reduce a maintenance fee of the patent right by deleting a part of the claims.
**Hantei (Advisory Opinion)**

**What can be done?**

An official opinion of the Trial and Appeal Department (TAD) of the JPO on the scope of the right can be requested.

When a right holder wants to know whether the goods, etc. of others fall within the technical scope of his/her own patented invention, he/she can make a request for “Hantei” with the Trial and Appeal Department (TAD).

When any person other than a right holder, wants to manufacture products, etc. that are planned or in production only after ensuring that they do not infringe rights of others, he/she can make a request for “Hantei.”

**Features of Hantei (Advisory Opinion)**

| Determination from a fair and neutral perspective | Come to a conclusion expeditiously (3 months at the shortest) | Inexpensive fee (40,000 yen) |
| Simple procedures (the same as the trial and appeal procedures) | One of administrative services (no legal binding force) | Sufficiently respected and authoritative determination in effect |

**Examples of utilization of Hantei (Advisory Opinion)**

1. Used as materials to warn the other party of patent infringement
2. Used as materials to make a counterargument when receiving a warning of patent infringement from others
3. Used as materials to allege infringement or non-infringement in a patent infringement lawsuit
4. Used as materials attached to a written request for the suspension of imports of infringing goods
5. Used as materials as grounds for a complaint filed to the police
"Hantei (Advisory Opinion)" facilitates licensing negotiations in an era of the Internet of Things (IoT).

With the recent development and spread of the IoT, companies in various industries and business conditions have begun utilizing the standard of the information and communication technology (ICT) field. Under such circumstances, the conditions surrounding licensing negotiations have been significantly changed. For example, it has become harder for companies to solve a problem through cross-licensing which used to take place in accordance with the custom practices within the same industry.

In particular, it is considered difficult to resolve disputes over the determination of whether a patent subject to licensing negotiation is a "Standard Essential Patents (SEP)" (a patent without which it is impossible to manufacture and supply products and services compliant with the specific standards) between the concerned parties belong to the different type of industries.

The JPO has contributed to facilitate licensing negotiations and to expeditiously resolve disputes by providing determination on standard essential patents from a fair and neutral perspective.

**Typical cases to utilize the systems**

**Licensing negotiations involving “Standard Essential Patents (SEPs)”**

Company A (patentee) and Company C (licensee) have been negotiating a licensing agreement, however, they have many differences in opinions, and for that reason, it has become difficult to continue negotiation.

One of the issues is that "Company C’s product compliant with the standard α infringes Company A’s patent which is a standard essential patent based on the standard α."

Company C would like to obtain a third party opinion from a fair and neutral perspective on the fact that Company A’s subject patent is not a standard essential patent.
What is the role of the Trial and Appeal Department (TAD)?

**Quasi-judicial organization acting as the first instance**

Although the Trial and Appeal Department (TAD) is a department of JPO yet it can be said to be a "Quasi-judicial organization" acting as the first instance in IP disputes.

In the case where the party is not satisfied with the decision of the Trial and Appeal Department (TAD) or the District Court, the party may make a revocation action against the decision with the IP High Court (second instance).

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*1 the Tokyo District Court and the Osaka District Court for patents and utility models
*2 In the case of patents, designs, and trademarks
*3 In the case of patents
*4 In the case of patents and trademarks

* Another trial and appeal system includes commissioning of the provision of an expert opinion.
Assigning administrative judges with advanced technical expertise

Trial and Appeal Department (TAD) is composed of Boards of Trial and Appeal responsible for proceedings, the Trial and Appeal Division responsible for any planning and support of proceedings, etc. Boards of Trial and Appeal are divided into 38 boards according to types of rights such as patents, utility models, designs, and trademarks, and specialized fields such as business machinery, production machinery, pharmaceuticals, and electronic device. Administrative judges with advanced technical expertise are assigned to each section.

Although administrative judges are appointed from those with more than 5 year experiences as examiners, strict independence is ensured between the Examination Departments and the Trial and Appeal Department (TAD).

Executive Chief Administrative Judge

Patents and utility models

- Boards for Physics, Optics, and Social Infrastructure
  - The 1st Board
  - The 2nd Board
  - The 3rd Board
  - The 4th Board
  - The 5th Board
  - The 6th Board
  - The 7th Board
  - The 8th Board

- Boards for Measurement
  - Material Analysis
  - Amusement Machinery
  - General Amusement
  - Natural Resources and Living Environment
  - Applied Optics
  - Business Machinery
  - Applied physics and Optical Devices

- Boards for Machines
  - The 9th Board
  - The 10th Board
  - The 11th Board
  - The 12th Board
  - The 13th Board
  - The 14th Board
  - The 15th Board
  - The 16th Board

- Boards for Chemistry
  - The 17th Board
  - The 18th Board
  - The 19th Board
  - The 20th section
  - The 21st section
  - The 22nd section
  - The 23rd section
  - The 24th section
  - The 25th section

- Boards for Electricity
  - The 26th Board
  - The 27th Board
  - The 28th Board
  - The 29th Board
  - The 30th Board
  - The 31st Board
  - The 32nd Board
  - The 33rd Board

Designs

- The 34th Board

Trademarks

- The 35th Board
- The 36th Board
- The 37th Board
- The 38th Board

Trial and Appeal Policy Planning Office

Research and planning related to IP systems and operation

Infringement and Invalidation Affairs Office

Clerical work related to the System of Trial for Invalidation (trial clerk)

Nos. 1, 5, 7 to 9 Sections

Clerical work related to appeal against an examiner's decision of refusal, etc. (trial clerk)

(As of October 2021)
How are proceedings conducted and trial/appeal decisions rendered?

- **Proceedings conducted by a panel consisting of three or five administrative judges**
  
  Three or five administrative judges examine a case in a trial/appeal. Once trial and appeal procedures are commenced by a request for trial or appeal, formality check and substantive determination are conducted by a panel.
  
  In a trial for invalidation, "oral proceedings" are conducted in principle to directly hear allegations of the parties concerned. The panel renders a trial decision after sufficient satisfaction of the panel is established.

- **Ex officio investigation conducted by the panel.**
  
  Although proceedings are conducted based on evidence submitted by the parties concerned in principle, because the right has binding legal effectiveness as to third parties, ex officio investigation is also conducted by the panel utilizing the JPO’s expertise as necessary.

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**Main roles of administrative judges**

**Chief Administrative Judge**

Of the 3 or 5 administrative judges in the panel, one presides over proceedings and administrative business of the case as a chief administrative judge.

**Administrative Judges**

Those who have more than 5 years of experiences as examiners at the Japan Patent Office as well as completed a legal training course. Proceedings for patents, etc. are also conducted by administrative judges at the United States Patent and Trademark Office, European Patent Office, China National Intellectual Property Administration, Korean Intellectual Property Office, etc.

**Trial Clerks**

In addition to clerical work related to preparation and service of trial records in trial/appeal cases, other clerical work is undertaken by trial clerks at the order of the chief administrative judge. Those who have engaged in industrial property rights at the Japan Patent Office for more than 5 years as well as completed a legal training course.

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**In accordance with the revision of the Patent Act, from October 1, 2021, demandants, demandees, etc. may participate in oral proceeding procedures on the day of the oral proceedings from their own conference rooms, etc., using the web conference system, without appearing before the Trial Court.**
**Efforts towards the improvement of reliability of trial and appeal decisions**

Not only proceedings are strictly conducted on a daily basis, but also various efforts are made to improve reliability of trial and appeal decisions by the Trial and Appeal Department (TAD).

- **"Trial and Appeal Practitioner Study Group" aimed at improving administrative judges’ skills**

  Study group consisting of practitioners inside and outside the JPO deliberates on trial/appeal and court decisions in actual cases considered to be important in the trial and appeal practice. The results of the study are consolidated into a report and widely disseminated. The results are utilized for trial and appeal practice, and an understanding of trial and appeal practice is shared with trial and appeal system users.

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<tr>
<th>Trial and Appeal Practitioner Study Group 2020</th>
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<tr>
<td><strong>Subcommittees for 6 fields (4 fields for patents, 1 field for designs, and 1 field for trademarks) were established, and they deliberated on 12 trial/appeal and court decisions in actual cases (1–2 cases per subcommittee).</strong></td>
</tr>
<tr>
<td><strong>Participants:</strong> 60 practitioners participated in the study group (8–12 practitioners per subcommittee)</td>
</tr>
<tr>
<td>- Participants are selected from practitioners of the Japan IP Association, the Japan Patent Attorneys Association, the Japan Federation of Bar Associations, as well as chief administrative judge, Administrative Judges, and Consultants on Trial/Appeal Decisions and Court Judgements.</td>
</tr>
<tr>
<td>- Judges of the IP High Court and the Tokyo District Court participated as observers.</td>
</tr>
<tr>
<td><strong>The results of the study are consolidated into a report (Japanese/English) and made available at the JPO website.</strong></td>
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- **Analysis of trial/appeal and court decisions**

  Recent trial and appeal decisions and court decisions are reviewed and analyzed taking into account users’ opinions, etc. Results of analysis are shared at meetings at the Trial and Appeal Department (TAD), etc. and utilized for proceedings.
The Trial and Appeal Department (TAD) makes much of the opinions of trial and appeal system users, such as corporate IP personnel, patent attorneys, and lawyers, with the aim of realizing a better trial and appeal system. The following explains dissemination of information by the Trial and Appeal Department (TAD) as well as exchange of opinions with the users.

- **“Exchange of opinions” to listen to the voice of users**

  Opinions are exchanged with a wide range of users, such as corporate IP personnel, patent attorneys, lawyers, etc. on a regular basis. This exchange of opinions helped to achieve the revision of the “Manual for Trial and Appeal Proceedings” that provides operations of the Trial and Appeal Department (TAD) (September 2018: Opposition to grant of patent; June 2019: Enhancement of described matters in the trial/appeal decisions; etc.) and of “Manual of "Hantei" (Advisory Opinion) for Essentiality Check” (July 2019), etc.

- **"User seminars outlining the patent trial and appeal systems" and "Symposium" to provide the latest information on the trial and appeal system**

  By utilizing opportunities of international meetings with trial and appeal departments of foreign Patent Offices, the Trial and Appeal Department (TAD) of the Japan Patent Office collects the latest information on the trial and appeal systems both at home and abroad, and then, proactively provides the information through user seminars, etc. A wide range of users, including patent attorneys and lawyers, and particularly corporate IP personnel, have participated in the seminars. In fiscal 2020, seminars were held online.
- "Circuit trial examinations, on-site interviews, and television interviews" to improve accessibility to the system

The Trial and Appeal Department (TAD) proactively promotes circuit trial examinations in every place nationwide (oral proceedings in local regions) and interviews in local regions so that people in local regions can have direct contact with an administrative judge panel.

- Demonstration of "mock oral proceedings" to remove the anxiety about oral proceedings

Oral proceedings bring together administrative judges and concerned parties in IP disputes where validity/invalidity of rights is alleged. In order to let users know more about oral proceedings, JPO staff members conduct and actually play roles in mock oral proceedings throughout Japan.
Dissemination of information overseas and international exchange

- **English translations of trial/appeal decisions**

  In order to improve and enhance the dissemination of information on trials and appeals, the Trial and Appeal Department (TAD) makes efforts to provide English translations of trial/appeal decisions externally through the JPO website, etc.

  With the globalization of economic activities by enterprises, it has become difficult to resolve disputes over IP rights within one country. We received some opinions that the English translation of "how the Trial and Appeal Department (TAD) of the JPO determines the validity of rights" is useful.

  https://www.jpo.go.jp/e/system/trial_appeal/info-general-shinketsu-eiyaku.html

- **Cooperation with the Trial and Appeal Departments overseas**

  For the purpose of promoting mutual understanding and exchange of information in the field of trials and appeals, Trial and Appeal Experts Meeting between JPO and CNIPA is held annually with the Reexamination and Invalidation Department of the Patent Office, CNIPA. In addition, opinions are exchanged regularly with the Trial and Appeal Board of the United States Patent and Trademark Office (PTAB of the USPTO) and that of the EPO’s Boards of Appeal (EPO’s BoA).

  In June 2021, the IP5 Trial and Appeal Boards High-Level Meeting was held with the participation of the Trial and Appeal departments/boards of the IP5 (Japan, the United States, Europe, China and Korea). Among major countries’ patent offices, multilateral cooperation in the field of trials and appeals has also made progress.
• Access

![Map around the JPO](image)

**Purpose of visit** | **Destination for each visit**
---|---
To appear at or hear oral proceedings, etc. | Trial Court (JPO) → JPO (6th floor)  
| The First Trial Court / Second Trial Court → METI Annex (1st floor)
To have an interview with administrative judges (Please check in advance the venue for interviews with administrative judges.) | SUMITOMO FUDOUSAN TORANOMON TOWER (16th floor), METI Annex (16th floor)
To submit documents related to revocation action against trial/appeal decision (a preparatory document, a written description of evidence, a duplicate of Evidence A, etc.) | METI Annex (8th floor)

• Contact Us

Main phone number of the JPO | +81-3-3581-1101  
Ext. 3613

Press buttons after instruction of the voice guidance

Note: Please see the JPO website for matters regarding examinations
About a trial and appeal system logo

With our mission to develop Japanese industry with our IP users, our logo was created to further disseminate the trial and appeal system.

The "profile" at the upper right represents administrative judges who are responsible for the trial and appeal system; "brainwaves" and the "magnifying glass" extending from it represent the work of administrative judges of "trial and appeal proceedings" and "ex officio investigation," respectively.

The "balance" symbolizes "early resolution of disputes," which is a role for the trial and appeal system to play.

The "circular frame" that includes all these elements represents that trial and appeal decisions have "binding legal effectiveness as to third parties."

https://www.jpo.go.jp/e/index.html