

# Patent Attorneys Act

(Act No. 49 of April 26, 2000)

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## Chapter I General Provisions

### (Mission of Patent Attorneys)

Article 1 It is the mission of patent attorneys, as professionals in intellectual property (meaning intellectual property as provided for in Article 2, paragraph (1) of the Intellectual Property Basic Act (Act No. 122 of 2002); the same applies below in this Article), to facilitate the proper protection and use of intellectual property rights (meaning intellectual property rights as provided for in paragraph (2) of that Article) and otherwise contribute to the proper operation of intellectual property systems, and as a result to contribute to economic and industrial development.

### (Definitions)

- Article 2 (1) The term "international application" as used in this Act means an international application as provided for in Article 2 of the Act on International Applications under the Patent Cooperation Treaty (Act No. 30 of 1978).
- (2) The term "application for international registration of designs" as used in this Act means an application for international registration as provided for in Article 60-3, paragraph (2) of the Design Act (Act No. 125 of 1959).
- (3) The term "application for international registration of trademarks" as used in this Act means an application for international registration as provided for in Article 68-2, paragraph (1) of the Trademark Act (Act No. 127 of 1959).

- (4) The term "layout-design" as used in this Act means a layout-design as provided for in Article 2, paragraph (2) of the Act on the Circuit Layouts of Semiconductor Integrated Circuits (Act No. 43 of 1985).
- (5) The term "specific unfair competition" as used in this Act means acts of unfair competition as defined in Article 2, paragraph (1) of the Unfair Competition Prevention Act (Act No. 47 of 1993), limited to those in items (i) through (xvi) and items (xix) through (xxii) of that paragraph (for those stated in items (iv) through (ix) of that paragraph, limited to those unfair competition involving a technical secret (meaning trade secrets provided for in paragraph (6) of that Article which is technical information; the same applies below); for those stated in paragraph (1), items (xi) through (xvi) of that Article, limited to those related to technical data (meaning protected data provided for in paragraph (7) of that Article which is technical information; the same applies below ); for those stated in paragraph (1), item (xx) of that Article, those related to trademark; and for those what is stated in item (xxi) of that paragraph, those related to a false allegation on a right concerning a patent, utility model, designs, trademarks, or layout-design or concerning a technical secret or technical data).
- (6) The term "action alleging specific infringement" as used in this Act means an action alleging infringement of a right connected with a patent, utility model, design, trademark or layout-design, or alleging infringement of a business interest through specific unfair competition.
- (7) The term "patent attorney corporation" as used in this Act means a corporation established by one or more patent attorneys, pursuant to the provisions of this Act, for the purpose of conducting the business under Article 4, paragraph (1).

(Duties)

Article 3 A patent attorney must at all times maintain integrity, be familiar with the laws, regulations, and practices involved in the business, and conduct business in a fair and sincere manner.

(Business)

Article 4 (1) A patent attorney is in the business of representing other persons by request in procedures with the Japan Patent Office involving patents, utility models, designs, or trademarks or involving international applications, applications for the international registration of designs, or applications for the international registration of trademarks; to represent other persons in procedures with the Minister of Economy, Trade and Industry regarding requests for review under the provisions of the Administrative Complaint Review Act (Act No. 68 of 2014) and administrative decisions that involve

patents, utility models, designs, or trademarks; and to provide expert opinions and handle other operations in connection with matters involved in these procedures.

(2) In addition to the business provided for in the preceding paragraph, a patent attorney may be in the business of providing the following services at the request of other persons:

- (i) representing a person in procedures with the Director General of Customs which involves the verification procedures prescribed in Article 69-3, paragraph (1) and Article 69-12, paragraph (1) of the Customs Act (Act No. 61 of 1954); in procedures with the Director General of Customs or the Minister of Finance which involves a petition under Article 69-4, paragraph (1) and Article 69-13, paragraph (1) of that Act; and in procedures involving such a petition that the person filing that petition or a person seeking to export or import the goods to which that petition relates undertakes with the Director General of Customs or the Minister of Finance;
- (ii) representing a party in alternative dispute resolution procedures (meaning alternative dispute resolution procedures prescribed in Article 1 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004); the same applies below in this item) in cases involving patents, utility models, designs, trademarks, layout-design, or specific unfair competition, or cases involving a right connected with a work (meaning a work as prescribed in Article 2, paragraph (1), item (i) of the Copyright Act (Act No. 48 of 1970); the same applies below ), when these procedures are conducted by an organization designated by the Minister of Economy, Trade and Industry as one that is found to be capable of conducting alternative dispute resolution procedures in those cases in a fair and proper manner;
- (iii) consulting about the affairs stated in the preceding two items; and
- (iv) consulting about the content of an opinion (limited to content that concerns the application of the Patent Act (Act No. 121 of 1959) and the Utility Model Act (Act No. 123 of 1959)) from a person who seeks to submit a written opinion provided for in Article 105-2-11, paragraphs (1) and (2) of the Patent Act (including as applied mutatis mutandis pursuant to Article 65, paragraph (6) of that Act and Article 30 of the Utility Model Act).

(3) In addition to the business provided for in the preceding two paragraphs, a patent attorney may be in the business of providing the following services using the title of patent attorney and at the request of other persons; provided, however, that this does not apply if engagement in that business is restricted by other laws:

- (i) acting as an agent or broker in a person's entry into a contract for the sale of a right connected with a patent, utility model, design, trademark, layout-design, or work or of a technical secret or technical data; a contract involving

- the granting of a non-exclusive license for any of these; any other such contract; or acting as a consultant concerning any of these;
- (ii) preparing materials and doing other work in connection with procedures that involve a right connected with a patent, utility model, design, trademark, new variety of plant, or geographical indication (meaning an indication that identifies a good as originating in a specific place, region, or country where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin; the same applies in the following item) with a foreign administrative authority or equivalent organization (limited to procedures undertaken by a party that has a domicile or residence (or business office, in the case of a corporation) in Japan);
  - (iii) consulting on the protection of an invention, device, design, or trademark (unless procedures that involve a right connected with any of these are already pending at the Japan Patent Office), layout-design (unless the application for registering the creation of the right to use the layout-design has already been submitted to the Minister of Economy, Trade and Industry), a new variety of plant, technical information useful for business activities (except for technical secrets and technical data), or geographical indication; and
  - (iv) participating in preparing a draft of Japanese Industrial Standards or other such standards that contribute to providing more opportunities for the use of a right connected with a patent, utility model, design, trademark, or layout-design, or of a technical secret or technical data, or acting as a consultant concerning to the preparation of a draft of the standards.

Article 5 (1) A patent attorney may appear in court together with a party to the case or with counsel, as an assistant in court, and make statements or undertake an examination concerning matters related to a patent, utility model, design or trademark, international applications, applications for international registration of design or applications for international registration of trademark, or layout-design or specific unfair competition.

(2) Any statement or examination as referred to in the preceding paragraph is deemed to have been made by the party to the case or by counsel; provided, however, that this does not apply when that party or counsel has immediately revoked or corrected the statement referred to in that paragraph.

Article 6 A patent attorney may act as counsel in a proceeding as prescribed in Article 178, paragraph (1) of the Patent Act, Article 47, paragraph (1) of the Utility Model Act, Article 59, paragraph (1) of the Design Act, or Article 63, paragraph (1) of the Trademark Act.

- Article 6-2 (1) When a patent attorney has passed the examination to qualify as counsel in proceedings alleging specific infringement as prescribed in Article 15-2, paragraph (1) and has had a supplementary note indicating this fact added pursuant to the provisions of Article 27-3, paragraph (1), that patent attorney may act as counsel in a proceeding alleging specific infringement only if it is a case that an attorney has taken on for the same client.
- (2) When a patent attorney acting as counsel pursuant to the provisions of the preceding paragraph appears in court, the patent attorney must appear together with an attorney.
- (3) Notwithstanding the provisions of the preceding paragraph, when the court finds it appropriate, a patent attorney may appear in court alone.

(Qualifications)

Article 7 A person falling under one of the following items who has completed the practical training referred to in Article 16-2, paragraph (1) is qualified to be a patent attorney:

- (i) a person who has passed the patent attorney examination;
- (ii) a person who is qualified to be an attorney at law; or
- (iii) a person who has been engaged for a total of at least seven years in functions involved in trials, appeals, or examinations as an administrative judge or examiner at the Japan Patent Office.

(Grounds for Ineligibility)

Article 8 Notwithstanding the provisions of the preceding Article, a person falling under one of the following items is not qualified to be a patent attorney:

- (i) a person who has been sentenced to imprisonment without work or a heavier punishment;
- (ii) except for those falling under the preceding item, any person who has committed one of the offenses prescribed in Articles 78 through 81 or 81-3 of this Act, Articles 196 through 198 or 200 of the Patent Act, Articles 56 through 58 or 60 of the Utility Model Act, Articles 69 through 71 or 73 of the Design Act, Articles 78 through 80 of the Trademark Act or Article 28 of the supplementary provisions of that Act, and has been sentenced to pay a fine, if five years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement ;
- (iii) except for those falling under the preceding two items, any person who has committed one of the offenses prescribed in Article 108-4, paragraph (2) of the Customs Act (limited to the part relating to Article 69-2, paragraph (1), items (iii) and (iv) of that Act; the same applies below in this item), paragraph (3) (limited to the part relating to Article 108-4, paragraph (2) of

- that Act) or paragraph (5) (limited to the part relating to Article 69-2, paragraph (1), items (iii) and (iv) of that Act), Article 109, paragraph (2) (limited to the part relating to Article 69-11, paragraph (1), items (ix) and (x) of that Act; the same applies below in this item), paragraph (3) (limited to the part relating to Article 109, paragraph (2) of that Act) or paragraph (5) (limited to the part relating to Article 69-11, paragraph (1), items (ix) and (x) of that Act), or Article 112, paragraph (1) of the Customs Act (limited to the part relating to Article 108-4, paragraph (2) and Article 109, paragraph (2) of that Act), the offenses prescribed in Articles 119 through 122 of the Copyright Act, the offenses prescribed in Article 51, paragraph (1) or Article 52 of the Act on the Circuit Layouts of Semiconductor Integrated Circuits, the offenses prescribed in Article 21, paragraph (1) through (6) (except for paragraph (3), item (vi) and paragraph (4), item (iv)) of the Unfair Competition Prevention Act, the offenses prescribed in Article 67 through 69 or Article 71 of the Plant Variety Protection and Seed Act (Act No. 83 of 1998) or the offenses prescribed in Article 39 or Article 40 of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 84 of 2014), and has been sentenced to pay a fine, if three years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (iv) a government employee who has been subject to a disposition of disciplinary dismissal, if three years have not passed since the date of the disposition;
  - (v) a person who has been subject to a disposition revoking a registration pursuant to the provisions of Article 23, paragraph (1), if three years have not passed since the date of the disposition;
  - (vi) a person who has been subject to a disposition prohibiting engagement in business pursuant to the provisions of Article 32, if three years have not passed since the date of the disposition;
  - (vii) a person who has been subject to a disposition excluding that person from membership in a bar association, deleting that person's registration as a certified public accountant, or prohibiting that person's engagement in business as a certified public tax accountant, due to a disciplinary action under the provisions of the Attorneys Act (Act No. 205 of 1949) or the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Certified Public Accountants Act (Act No. 103 of 1948) or the Certified Public Tax Accountant Act (Act No. 237 of 1951), if three years have not passed since the date of the disposition;
  - (viii) a person who has received a decision that they should have received a disposition listed in Article 44, Item (iii) of the Certified Public Tax Accountants Act pursuant to the provisions of Article 48, paragraph 1 of that

Act, and for whom three years have not yet passed since the date of that decision;

- (ix) a person who has been subject to a disposition suspending that person's engagement in business pursuant to the provisions of Article 32, and who has had their registration deleted during the term of suspension of business, if this term has not yet passed;
- (x) a minor; or
- (xi) a person who received a decision for the commencement of bankruptcy proceedings and has not had their rights restored.

## **Chapter II Patent Attorney Examination**

(Purpose and Method of Examination)

Article 9 The purpose of the patent attorney examination is to determine whether or not a person seeking to become a patent attorney has the necessary knowledge and practical skills, and the examination is conducted by means of a written examination comprising a short answer component (inclusive of a multiple-choice component; the same applies below ) and an essay component, and oral examination, pursuant to the provisions of the following Article.

(Examination Content)

Article 10 (1) The short answer component of the examination is conducted on the following subjects:

- (i) laws and regulations relating to patents, utility models, designs, and trademarks (referred to as "industrial property rights" below in this Article and items (iv) and (v) of the following Article);
- (ii) treaties on industrial property rights; and
- (iii) beyond what is stated in the preceding two items, the necessary laws and regulations for a person to practice as a patent attorney that Order of the Ministry of Economy, Trade, and Industry prescribes.

(2) The essay component of the examination is conducted on the following subjects, for a person who has passed the short answer component of the examination:

- (i) laws and regulations relating to industrial property rights; and
- (ii) a subject that the examinee selects in advance from among the subjects related to technology or law that are specified by Order of the Ministry of Economy, Trade and Industry.

(3) The oral examination is conducted on laws and regulations relating to industrial property rights, for a person who has passed the written examination.

(Examination Exemption)

Article 11 Upon the application of a person falling under one of the following items, that person is exempted from the part of the examination stated in the respective items:

- (i) a person who has passed the short answer component of the examination: the short answer component of an examination that is conducted by the last day of the two-year period beginning on the date on which passing examinees are announced for the short answer component of the examination that the person has passed;
- (ii) a person who has obtained a score on the essay component of the examination in a subject as stated in paragraph (2), item (i) of the preceding Article that a council or other such body (meaning an organization provided for in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) specified by Cabinet Order (referred to below as a "council") finds to be sufficient: the essay component of an examination in that subject that is conducted by the last day of the two-year period beginning on the date on which passing examinees are announced for the essay component of the examination on which the person has obtained that score;
- (iii) a person who has obtained a score on the essay component of the examination in a subject as stated in paragraph (2), item (ii) of the preceding Article that the council finds to be sufficient: the essay component of an examination in that subject that is conducted after obtaining the score;
- (iv) a person who has completed a program at a graduate school based on the School Education Act (Act No. 26 of 1947) and has obtained the number of credits in subjects relating to industrial property rights that are specified by Order of the Ministry of Economy, Trade and Industry: the short answer component of an examination in the subjects stated in paragraph (1), items (i) and (ii) of the preceding Article that is conducted by the last day of the two-year period beginning on the date of completion of the program;
- (v) a person who has been engaged in functions involved in trials, appeals, or examinations at the Japan Patent Office for a total of at least five years: the part of the examination conducted on laws, regulations, and treaties relating to industrial property rights; or
- (vi) a person who is specified by Order of the Ministry of Economy, Trade and Industry as having at least the same level of knowledge as a person who has passed the written examination in an examinee-selected subject as referred to in paragraph (2), item (ii) of the preceding Article: the essay component of the examination conducted on that subject.

(Conduct of Examination)

Article 12 (1) The patent attorney examination is conducted by the council.

(2) The patent attorney examination is conducted one or more times per year.

(Certificate of Passing the Examination)

Article 13 A person who has passed the patent attorney examination is given a certificate certifying that the person has passed the examination.

(Voiding the Decision That a Person Has Passed the Examination)

Article 14 (1) The council may void the decision that a person who has taken or attempted to take the patent attorney examination by wrongful means has passed the examination, and may prohibit such a person from taking that examination.

(2) The council may decide that a person who has been subject to a disposition under the provisions of the preceding paragraph is unable to take the patent attorney examination during a period of not more than three years that the council specifies based on the circumstances.

(Examination Fee)

Article 15 (1) A person seeking to take the patent attorney examination must pay an examination fee in the amount specified by Cabinet Order taking into consideration the actual costs.

(2) An examination fee that a person has paid pursuant to the provisions of the preceding paragraph will not be refunded even if the person does not take the patent attorney examination.

(Examination to Qualify as Counsel in Proceedings Alleging Specific Infringement)

Article 15-2 (1) The examination to qualify as counsel in proceedings alleging specific infringement is conducted by means of a written examination in essay format for a patent attorney who has completed the training in the necessary knowledge and practical skills to act as counsel in proceedings alleging specific infringement prescribed by Order of the Ministry of Economy, Trade and Industry, in order to determine whether it has the necessary knowledge and practical skills.

(2) The provisions of Articles 12 through the preceding Article apply mutatis mutandis to the examination to qualify as counsel in proceedings alleging specific infringement.

(Details of Examination)

Article 16 Beyond what is provided for in this Act, the necessary matters related to the patent attorney examination and the examination to qualify as counsel in proceedings alleging specific infringement are provided for by Order of the

Ministry of Economy, Trade and Industry.

## **Chapter II-2 Practical Training**

(Practical Training)

Article 16-2 (1) Practical training is held by the Minister of Economy, Trade and Industry in order to teach persons as stated in the items of Article 7 the skills and advanced expertise that they need to become patent attorneys.

(2) Practical training is to be conducted as follows:

- (i) it is to be conducted one or more times per year;
- (ii) it is to be conducted regarding the laws, regulations, and practices involved in practice as a patent attorney; and
- (iii) it is to have instructors and teachers who are patent attorneys and who have a total of at least seven years of practical experience.

(Designation of a Designated Training Organization)

Article 16-3 (1) The Minister of Economy, Trade and Industry may have a person designated by the Minister (referred to below as a "designated training organization") conduct lectures and seminars and perform other operations involved in implementing practical training (excluding those specified by Order of the Ministry of Economy, Trade and Industry; referred to below as "practical training operations").

(2) A designated training organization is designated pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, upon the application of a person seeking to perform practical training operations.

(3) When the Minister of Economy, Trade and Industry has designated a designated training organization, the Minister is not to perform practical training operations

(4) The Minister of Economy, Trade and Industry must not designate a designated training organization unless the Minister finds that the application referred to in paragraph (2) conforms to all of the following items:

- (i) the plan for implementing practical training operations in terms of employees, equipment, method of implementing practical training operations, and other matters, is appropriate to ensure the proper and reliable implementation of practical training operations;
- (ii) the applicant is a corporation with the necessary financial and technical foundation for the proper and reliable implementation of the plan for implementing practical training operations referred to in the preceding item;
- (iii) if the applicant is engaged in any business other than practical training operations, there is no risk that their engagement in that business would cause practical training operations to be unfair; and

- (iv) designating the applicant would not impair the proper and reliable implementation of practical training operations.
- (5) The Minister of Economy, Trade and Industry must not designate a person as a designated training organization when the person that has filed an application as referred to in paragraph (2) falls under one of the following items:
  - (i) the applicant has had a designation revoked pursuant to the provisions of Article 16-12, paragraph (1) or (2), and two years have not passed since the date of the rescission; or
  - (ii) any of the applicant's officers has been subject to sentencing for having committed one of the offenses prescribed in this Act, and two years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement.

(Public Notice of Designation)

- Article 16-4 (1) When the Minister of Economy, Trade and Industry has designated a designated training organization, the Minister must issue public notice of the name and address of the designated training organization, the location of the office where it will perform practical training operations, and the date on which it will commence practical training operations.
- (2) When a designated training organization seeks to change its name or address or the locality of the office where it performs practical training operations, it must notify the Minister of Economy, Trade and Industry of this no later than two weeks before the date on which it seeks to make the change.
- (3) Upon receipt of a notification under the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must issue public notice of this.

(Duty of Confidentiality)

- Article 16-5 (1) It is prohibited for the officer or employee of a designated training organization (including practical training instructors and teachers; the same applies in the next paragraph) or a person that has held one of these positions, to divulge any secret learned in the course of practical training operations.
- (2) An officer or employee of a designated training organization who is engaged in practical training operations is deemed to be an employee engaging in public service pursuant to laws and regulations with respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Rules of Administration of Practical Training Operations)

- Article 16-6 (1) A designated training organization must establish rules regarding the implementation of practical training operations (referred to

below as "rules for training operations") and obtain the authorization of the Minister of Economy, Trade and Industry before commencing practical training operations. The same applies when the designated training organization seeks to change the rules.

- (2) Matters provided for in the rules for training operations are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the Minister of Economy, Trade and Industry finds that the authorized rules of training operations under paragraph (1) have become inappropriate from the perspective of proper and reliable implementation of practical training operations, the Minister may order the designated training organization to change the rules of training operations.
- (4) The standards for the authorization referred to in paragraph (1) are specified by Order of the Ministry of Economy, Trade and Industry.

#### (Business Plans)

Article 16-7 (1) Every business year, a designated training organization must prepare a business plan and a budget for income and expenditures, and must obtain the approval of the Minister of Economy, Trade and Industry before the commencement of that business year (or without delay after having been designated, in the business year that includes the date of designation). The same applies if the designated training organization seeks to change the plan or the budget.

- (2) Every business year, a designated training organization must prepare a business report and settlement of income and expenditures, and must submit them to the Minister of Economy, Trade and Industry within three months after the end of the relevant business year.

#### (Keeping Books)

Article 16-8 Pursuant to Order of the Ministry of Economy, Trade and Industry, a designated training organization must keep and preserve books in which it enters the information regarding its practical training operations that is specified by Order of the Ministry of Economy, Trade and Industry.

#### (Supervision Orders)

Article 16-9 When the Minister of Economy, Trade and Industry finds it necessary to ensure the proper and reliable implementation of practical training operations, the Minister may issue an order to a designated training organization that is necessary for the supervision of its practical training operations.

#### (Reports and On-Site Inspections)

Article 16-10 (1) When the Minister of Economy, Trade and Industry finds it to be necessary to ensure the proper and reliable implementation of practical training operations, the Minister may have a designated training organization make a report or submit materials on the status of practical training operations, or have an employee enter into the office of a designated training organization, and inspect the status of its practical training operations or of its books and other materials.

(2) The employee seeking to conduct an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it at the request of any person concerned.

(3) The authority to conduct the on-site inspection under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Suspension or Discontinuation of Practical Training Operations)

Article 16-11 (1) A designated training organization must not suspend or discontinue the whole or part of its practical training operations without the permission of the Minister of Economy, Trade and Industry.

(2) When the Minister of Economy, Trade and Industry has given the permission referred to in the preceding paragraph, the Minister must issue public notice of this.

(Revocation of a Designation)

Article 16-12 (1) The Minister of Economy, Trade and Industry must rescind the designation of a designated training organization when it has come to fall under the provisions of Article 16-3, paragraph (5), item (ii).

(2) The Minister of Economy, Trade and Industry may revoke the designation of a designated training organization, or order it to suspend the whole or part of its practical training operations for a specified period of time when it falls under one of the following items:

(i) when it is found to no longer be in compliance with any of the items (i) through (iii) of Article 16-3, paragraph (4);

(ii) when it has violated one of the provisions of Articles 16-4, paragraph (2), 16-6, paragraph (1), 16-7, 16-8, or paragraph (1) of the preceding Article;

(iii) when it has conducted practical training operations other than those based on the rules of training operations authorized pursuant to Article 16-6, paragraph (1);

(iv) when it has violated an order under the provisions of Article 16-6, paragraph (3) or Article 16-9; or

(v) when it came to be designated by deception or other wrongful means.

(3) When the Minister of Economy, Trade and Industry has revoked a designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or has

ordered to suspend the whole or part of their practical training operations pursuant to the provisions of that paragraph, the Minister must issue public notice of the rescission or suspension.

(Implementation of Practical Training by the Minister of Economy, Trade and Industry)

Article 16-13 (1) Notwithstanding the provisions of Article 16-3, paragraph (3), the Minister of Economy, Trade and Industry is to personally conduct the whole or part of practical training operations when the designated practical training organization has suspended the whole or part of its practical training operations pursuant to the provisions of Article 16-11, paragraph (1); when the Minister has ordered a designated practical training organization to suspend the whole or part of its practical training operations pursuant to the provisions of paragraph (2) of the preceding Article; when it has become difficult for a designated practical training organization to conduct the whole or part of practical training operations due to a natural disaster or other reasons and the Minister finds it to be necessary to personally conduct the whole or part of practical training operations.

(2) When the Minister of Economy, Trade and Industry seeks to personally conduct practical training operations pursuant to the provisions of the preceding paragraph, or decides to no longer conduct practical training operations that the minister is conducting pursuant to the provisions of that paragraph, the Minister of Economy, Trade and Industry must issue public notice of this in advance.

(3) Order of the Ministry of Economy, Trade and Industry provides for succession to practical training operations and other necessary matters for cases in which the Minister of Economy, Trade and Industry has decided to personally conduct practical training operations pursuant to the provisions of paragraph (1), has permitted a person to discontinue practical training operations pursuant to the provisions of Article 16-11, paragraph (1), or has revoked a designation pursuant to the provisions of paragraph (1) or (2) of the preceding Article.

(Fees)

Article 16-14 (1) A person seeking to participate in practical training must pay a fee to the national government in an amount specified by Cabinet Order taking into consideration the actual costs, except in the cases provided for in the following paragraph.

(2) If a designated training organization conducts practical training operations, a person seeking to participate in that practical training must pay a fee to the designated training organization in an amount specified by the designated training organization with the authorization of the Minister of Economy, Trade

and Industry pursuant to Cabinet Order.

- (3) The fees paid to a designated training organization pursuant to the provisions of the preceding paragraph are the income of that designated training organization.

(Details of Practical Training)

Article 16-15 Beyond what is provided for in this Act, the necessary matters related to practical training are specified by Order of the Ministry of Economy, Trade and Industry.

### **Chapter III Registration**

(Registration)

Article 17 (1) To become a patent attorney, a person qualified to become a patent attorney must have their name, date of birth, office location, and other matters specified by Order of the Ministry of Economy, Trade and Industry registered in the patent attorney register that is kept at the Japan Patent Attorneys Association.

- (2) Registration in the patent attorney register is conducted by the Japan Patent Attorneys Association.

(Application for Registration)

Article 18 (1) A person seeking to be registered as referred to in paragraph (1) of the preceding Article must submit a written application for registration to the Japan Patent Attorneys Association.

- (2) The written application for registration referred to in the preceding paragraph must give the person's name, date of birth, office location, and other matters specified by Order of the Ministry of Economy, Trade, and Industry, and be accompanied by documents certifying that the applicant is qualified to become a patent attorney.

(Refusal of Registration)

Article 19 (1) When the Japan Patent Attorneys Association finds that a person applying for registration under the provisions of paragraph (1) of the preceding Article is not qualified to become a patent attorney or falls under one of the following items, it must refuse to register that person. In this case, if the fact that the applicant falls under one of the following items is the grounds on which the Japan Patent Attorneys Association seeks to refuse the registration, it must do so based on a resolution of the registration screening board under Article 70:

- (i) when it is likely that the person would be unfit to practice as a patent

attorney due to a mental or physical disorder; or  
(ii) when it is likely that the person would damage the reputation of the patent attorney profession.

(2) When the fact that the applicant falls under one of the items of the preceding paragraph is the grounds on which the Japan Patent Attorneys Association seeks to refuse that applicant's registration, it must notify the applicant of this in advance and provide an opportunity for the applicant to present an explanation personally or through an agent within a reasonable period of time.

(Notice Relating to Registration)

Article 20 When the Japan Patent Attorneys Association has received an application for registration under the provisions of Article 18, paragraph (1) and when it has accepted or refused the registration, it must notify the applicant of this in writing.

(Requesting a Review Under the Provisions of Administrative Complaint Review Act When a Registration Has Been Refused)

Article 21 (1) When a person whose registration has been refused pursuant to the provisions of Article 19, paragraph (1) is dissatisfied with the disposition, the person may file a request for review under the provisions of the Administrative Complaint Review Act with the Minister of Economy, Trade and Industry.

(2) If no disposition has been made regarding the application of a person who has applied for registration under the provisions of Article 18, paragraph (1) even though three months have passed since the date on which the person applied, that person may file a request for review as referred to in the preceding paragraph with the Minister of Economy, Trade and Industry, as if the registration has been refused.

(3) To apply the provisions of Article 25, paragraphs (2) and (3) and Article 46, paragraph (2) of the Administrative Complaint Review Act in a case as referred to in the preceding two paragraphs, the Minister of Economy, Trade and Industry is deemed to be the higher administrative authority of the Japan Patent Attorneys Association.

(Notification of Changes to Registered Information)

Article 22 A patent attorney must notify the Japan Patent Attorneys Associations of any change to the matters registered in the patent attorney register without delay.

(Revocation of Registrations)

Article 23 (1) When the Japan Patent Attorneys Association has discovered that

a person registered as a patent attorney came to be registered through deception or other wrongful means, it must revoke the person's registration.

- (2) When the Japan Patent Attorneys Association has revoked a registration pursuant to the provisions of the preceding paragraph, it must notify the person subject to that disposition of this in writing.
- (3) The provisions of the second sentence of Article 19, paragraph (1) and Article 21, paragraphs (1) and (3) apply mutatis mutandis to the revocation of a registration as referred to in paragraph (1). In this case, the term "Article 46, paragraph (2)" in Article 21, paragraph (3) is deemed to be replaced with "Article 46, paragraph (1)".

#### (Deletion of Registrations)

Article 24 (1) If a patent attorney falls under one of the following items, the Japan Patent Attorneys Association must delete that patent attorney's registration:

- (i) when the patent attorney has stopped practicing;
  - (ii) when the patent attorney has died;
  - (iii) when the patent attorney has come to fall under one of the items of Article 8 (except for item (v));
  - (iv) when the patent attorney has been subject to a disposition revoking the registration of the patent attorney under the provisions of paragraph (1) of the preceding Article; or
  - (v) when the patent attorney has been subject to a disposition of disbarment under the provisions of Article 61.
- (2) When a patent attorney has come to fall under any of the items (i) through (iii) of the preceding paragraph, that patent attorney or the legal representative or heir of that patent attorney must notify the Japan Patent Attorneys Association of this without delay.
  - (3) When the Japan Patent Attorneys Association has deleted the registration of a patent attorney pursuant to the provisions of item (i), (iii), or (v) of paragraph (1), it must notify the patent attorney of this in writing.

Article 25 (1) The Japan Patent Attorneys Association may delete the registration of a patent attorney when it is likely that the patent attorney will be unfit to practice as a patent attorney due to a mental or physical disorder.

- (2) The provisions of the second sentence of Article 19, paragraph (1) and paragraph (3) of the preceding Article apply mutatis mutandis to the deletion of the registration under the provisions of the preceding paragraph.

#### (Application Mutatis Mutandis of Provisions Regarding Refusal of Registrations)

Article 26 The provisions of Article 21, paragraphs (1) and (3) apply mutatis mutandis to the deletion of a registration under the provisions of Article 24, paragraph (1), item (i), (iii), or (v), or paragraph (1) of the preceding Article. In this case, the term "Article 46, paragraph (2)" in Article 21, paragraph (3) is deemed to be replaced with "Article 46, paragraph (1)".

(Public Notice of Registration and Deletion of Registration)

Article 27 When the Japan Patent Attorneys Association has registered a patent attorney or deleted the registration of a patent attorney, it must issue public notice of this in the Official Gazette without delay.

(Application for Addition of a Supplementary Note Indicating Qualification as Counsel in Actions Alleging Specific Infringement)

Article 27-2 (1) If a patent attorney seeks to have a supplementary note added to their registration to indicate that the patent attorney has passed the examination to qualify as counsel in actions alleging specific infringement under Article 15-2, paragraph (1) (referred to below as a "supplementary note indicating qualification as counsel in actions alleging specific infringement"), the patent attorney must submit a written application for the addition of a supplementary note to the Japan Patent Attorneys Association.

(2) The written application for the addition of a supplementary note as referred to in the preceding paragraph must give the applicant's name and other matters specified by Order of the Ministry of Economy, Trade, and Industry, and be accompanied by a certificate certifying that the person has passed the examination to qualify as counsel in actions alleging specific infringement.

(Addition of Supplementary Notes Indicating Qualification as Counsel in Actions Alleging Specific Infringement)

Article 27-3 (1) When the Japan Patent Attorneys Association has received an application under the provisions of the preceding Article, it must promptly add a supplementary note indicating qualification as counsel in actions alleging specific infringement to the registration of the patent attorney.

(2) The provisions of Article 20 apply mutatis mutandis when a supplementary note has been added under the provisions of the preceding paragraph.

(Deletion of Supplementary Notes Indicating Qualification as Counsel in Actions Alleging Specific Infringement)

Article 27-4 (1) When it is discovered that a person for whom a supplementary note has been added indicating qualification as counsel in actions alleging specific infringement came to have that supplementary note added through deception or other wrongful means, the Japan Patent Attorneys Association

must delete the supplementary note.

(2) The provisions of Article 23, paragraph (2) apply mutatis mutandis to the deletion of a supplementary note under the provisions of the preceding paragraph.

(Public Notice of the Addition or Deletion of Supplementary Notes Indicating Qualification as Counsel in Actions Alleging Specific Infringement)

Article 27-5 The provisions of Article 27 apply mutatis mutandis to the addition or deletion of a supplementary note indicating qualification as counsel in actions alleging specific infringement.

(Details of Registration)

Article 28 Beyond what is provided for in this Act, the necessary matters related to the registration of patent attorneys are specified by Order of the Ministry of Economy, Trade and Industry.

#### **Chapter IV Duties of Patent Attorneys**

(Prohibition of Conduct Damaging to Credibility)

Article 29 A patent attorney must not engage in conduct that could damage the reputation or the integrity of the patent attorney profession.

(Duty of Confidentiality)

Article 30 It is prohibited for a patent attorney or a person that has held the position of patent attorney to divulge or misappropriate any secret learned in the course of business without legitimate grounds.

(Cases Not to Be Undertaken)

Article 31 A patent attorney must not work on a case falling under one of the following items; provided, however, that this does not apply to a case falling under item (iii) if the client of the case that the patent attorney has already accepted consents to it:

- (i) a case about which the counterparty has consulted the patent attorney, and that the patent attorney has helped the counterparty with or agreed to take for the counterparty;
- (ii) a case about which the counterparty has consulted the patent attorney to an extent and in a manner that is found to be based on a fiduciary relationship;
- (iii) a different case that the counterparty to a case that the patent attorney has already accepted asks the patent attorney to take;
- (iv) a case that the patent attorney has handled as a government employee in

- the course of duty;
- (v) a case that the patent attorney has handled as an arbitrator in an arbitration proceeding;
  - (vi) a case about which, during the time that the patent attorney was engaged as an employee or member of a patent attorney corporation, the counterparty consulted the patent attorney corporation so that the patent attorney corporation helped the counterparty with or agreed to take for the counterparty; that the patent attorney personally became involved in; or
  - (vii) a case about which, during the time that the patent attorney was engaged as an employee or member of a patent attorney corporation, the counterparty consulted the patent attorney corporation to an extent and in a manner that is found to be based on a fiduciary relationship, and that the patent attorney personally became involved in.

(Training)

Article 31-2 A patent attorney, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, must undergo the training that the Japan Patent Attorneys Association conducts to improve patent attorneys' qualifications and quality.

(Prohibition of Lending Name to Non-Patent Attorneys)

Article 31-3 A patent attorney must not allow a person who is in violation of the provisions of Article 75 or 76 to use the name of the patent attorney.

## **Chapter V Liabilities of Patent Attorneys**

(Types of Disciplinary Action)

Article 32 If a patent attorney violates this Act or an order based on this Act, or engages in grave misconduct that makes it inappropriate for the person to be a patent attorney, the Minister of Economy, Trade, and Industry may reach one of the dispositions stated below:

- (i) admonition;
- (ii) suspension of the whole or part of the patent attorney's practice for not more than two years; or
- (iii) prohibition of the patent attorney's practice.

(Disciplinary Proceedings)

Article 33 (1) A person who considers there to be a factual circumstance regarding a patent attorney that falls under the preceding paragraph may report that factual circumstance to the Minister of Economy, Trade and Industry and request that appropriate measures be taken.

- (2) When a report as prescribed in the preceding paragraph has been made, the Minister of Economy, Trade and Industry must conduct the necessary investigation of the case.
- (3) When the Minister of Economy, Trade and Industry considers there to be a factual circumstance regarding a patent attorney that falls under the preceding Article, the Minister may conduct the necessary investigation by the Minister's own authority.
- (4) Notwithstanding the categories of proceedings established for statements of opinion under Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), before reaching a disposition of admonition or suspension of practice for not more than two years pursuant to the provisions of the preceding Article, the Minister of Economy, Trade and Industry must conduct a hearing.
- (5) The Minister of Economy, Trade and Industry reaches a disciplinary disposition as under the provisions of the preceding Article after having conducted a hearing, upon finding there to be a factual circumstance that falls under that Article based on reasonable evidence, and after hearing the opinion of the council.

(Authority to Investigate)

Article 34 In order to conduct the necessary investigation into a case pursuant to the provisions of paragraph (2) of the preceding Article (including as applied *mutatis mutandis* pursuant to the provisions of Article 69, paragraph (2)) or paragraph (3) of that Article, the Minister of Economy, Trade and Industry may order the relevant patent attorney to make the necessary reports or submit books and other materials relating to their practice.

(Restrictions on the Deletion of Registrations)

Article 35 If a patent attorney has become subject to a disciplinary proceeding, the Japan Patent Attorneys Association may not delete the registration of the relevant patent attorney under the provisions of Article 24, paragraph (1), item (i) or (v), or Article 25, paragraph (1) until the disciplinary proceeding is completed.

(Public Notice of Disciplinary Disposition)

Article 36 When the Minister of Economy, Trade and Industry has reached a disciplinary disposition pursuant to the provisions of Article 32, it must issue public notice of the disposition in the Official Gazette.

## **Chapter VI Patent Attorney Corporations**

(Establishment)

Article 37 (1) A patent attorney may establish a patent attorney corporation pursuant to the provisions of this Chapter.

(2) The provisions of Articles 1 and 3 apply mutatis mutandis to a patent attorney corporation.

(Name)

Article 38 A patent attorney corporation must use the term "弁理士法人" (transliterated as "benrishi hojin" and meaning "patent attorney corporation") in its name.

(Qualifications of Members)

Article 39 (1) Each member of a patent attorney corporation must be a patent attorney.

(2) The following persons may not become members:

- (i) a person that has been issued a disposition suspending their practice pursuant to the provisions of Article 32 and that period of suspension has not yet passed;
- (ii) a person that, within 30 days before the date of the relevant disposition, was the member of a patent attorney corporation that has been ordered to dissolve or suspend its business pursuant to the provisions of Article 54, if three years have not passed since the date of the disposition (or the period of suspension of business, in case of an order to suspend business).

(Scope of Business)

Article 40 In addition to being in the business referred to in Article 4, paragraph (1), a patent attorney corporation may be in the whole or part of the business under paragraphs (2) and (3) of that Article pursuant to the provisions of the articles of incorporation.

Article 41 Beyond what is provided for in the preceding Article, a patent attorney corporation may be entrusted with services that a patent attorney may provide pursuant to the provisions of Articles 5 through 6-2, and that it has a patent attorney who is its member or employee provide (regarding services provided for in Article 6, paragraph (2), limited to a patent attorney that has had a supplementary note added indicating qualification as counsel in actions alleging specific infringement; referred to below as a "member or employee"). In this case, the relevant patent attorney corporation must let the entrusting party select its assistant in court or counsel from among the members or employees of the patent attorney corporation.

(Registration)

Article 42 (1) A patent attorney corporation must register itself pursuant to Cabinet Order.

(2) The matters that must be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party, unless registered.

(Procedures of Establishment)

Article 43 (1) In order to establish a patent attorney corporation, the patent attorneys who are to become members of the corporation must prepare articles of incorporation.

(2) The articles of incorporation must contain at least the following information:

(i) purpose;

(ii) name;

(iii) location of the office;

(iv) names and addresses of members;

(v) matters related to contribution by the members; and

(vi) matters related to conduct of business.

(3) The provisions of Article 30, paragraph (1) of the Companies Act (Act No. 86 of 2005) apply mutatis mutandis to the articles of incorporation of a patent attorney corporation.

(Timing of Establishment)

Article 44 A patent attorney corporation is established through the registration of its establishment in the location of its principal office.

(Filing Notification of Establishment)

Article 45 When a patent attorney corporation has been established, it must file a notification of this with the Minister of Economy, Trade and Industry, together with its certificate of registered information and the articles of incorporation, within two weeks from the date of its establishment.

(Authority to Conduct Business)

Article 46 All members of a patent attorney corporation have the right and obligation to conduct its business.

(Changing the Articles of Incorporation)

Article 47 (1) Unless otherwise specified by the articles of incorporation, a patent attorney corporation may change its articles of incorporation with the consent of all its members.

(2) When a patent attorney corporation has changed its articles of incorporation,

it must notify the Minister of Economy, Trade, and Industry of the matters involved in the change within two weeks from the date of the change.

(Corporate Representatives)

Article 47-2 (1) Each member of a patent attorney corporation is a representative of the patent attorney corporation.

(2) The provisions of the preceding paragraph do not preclude the appointment of a member, pursuant to the articles of incorporation or with the consent of all the members, as a member who is to specifically represent the patent attorney corporation.

(3) A member that represents a patent attorney corporation has the authority to undertake any and all action in or out of court in connection with the business of the patent attorney corporation.

(4) It is not permissible to assert a limitation on the authority under the preceding paragraph against a third party in good faith.

(5) A member that represents a patent attorney corporation may delegate their authority to represent concerning specific acts, unless prohibited by the articles of incorporation.

(Designated Members)

Article 47-3 (1) A patent attorney corporation may designate one or more members to take charge of the business regarding a specific case.

(2) In a case for which the designation under the preceding paragraph is made (referred to below as a "designated case"), only the member that is designated (referred to below as "designated member") has the right and obligation to conduct the relevant business.

(3) In a designated case, only the designated member represents the patent attorney corporation, notwithstanding the provisions of the preceding Article.

(4) When a patent attorney corporation has made a designation under paragraph (1), it must notify the client of the designated case of this in writing.

(5) Concerning the case related to the client's request, the client may request the patent attorney corporation to clarify, setting a reasonable period of time, whether it will make a designation under paragraph (1) within that period. In this case, if the patent attorney corporation fails to notify the client pursuant to the provisions of the preceding paragraph within that period of time, the patent attorney corporation may not make a designation after that period of time; provided, however, that this does not preclude it from making a designation after obtaining the consent of the client.

(6) In a designated case, if a vacancy arises among the designated members before the completion of the business involved in the case, the patent attorney corporation must make a new designation. If the designation is not made, all

members of the patent attorney corporation are deemed to have been designated.

- (7) When a patent attorney corporation that has only one member is requested to undertake a case, that member is deemed to have been designated.

(Liability of Members)

Article 47-4 (1) When the obligations of a patent attorney corporation cannot be fully repaid out of its assets, all members of the patent attorney corporation are jointly and severally liable for the repayment performance of its obligations.

- (2) The provisions of the preceding paragraph also apply if a judicial enforcement against the assets of a patent attorney corporation is not successful.

(3) The provisions of the preceding paragraph do not apply if the members of the patent attorney corporation prove that the patent attorney corporation has financial resources and that the enforcement can be easily conducted.

(4) If a patent attorney corporation has made a designation under the provisions of paragraph (1) of the preceding Article and notified the client under the provisions of paragraph (4) of that Article (including cases where it is deemed to have made a designation pursuant to the provisions of paragraph (6) of that Article; the same applies in the following paragraph and paragraph (6)), and the obligations that a patent attorney corporation has borne for its client in connection with a designated case cannot be fully repaid out of its assets, the designated members (including former designated members; the same applies below in this Article) are jointly and severally liable for the repayment of its obligations, notwithstanding the provisions of paragraph (1); provided, however, that this does not apply if a member that has withdrawn proves that the obligations have been incurred due to circumstances arising after that member's withdrawal.

(5) The preceding paragraph also applies if a patent attorney corporation has made a designation under the provisions of paragraph (1) of the preceding Article and notified the client as under the provisions of paragraph (4) of that Article, and a judicial enforcement against its assets based on claims that have arisen to the benefit of the client in connection with the designated case is not successful, unless a designated member proves that the patent attorney corporation has the financial resources and that the enforcement can be easily conducted.

(6) If a patent attorney corporation has made a designation under the provisions of paragraph (1) of the preceding Article and notified the client as under the provisions of paragraph (4) of that Article, and an undesignated member is involved in the business related to the designated case whether before or after the designation, this member assumes the same liability as that assumed by designated members pursuant to the provisions of the preceding two

paragraphs, unless this member proves that the member did not fail to exercise due care in being involved in that business. The same applies after the member has withdrawn from the patent attorney corporation.

- (7) The provisions of Article 612 of the Companies Act apply mutatis mutandis to the withdrawal of a member of a patent attorney corporation; provided, however, that in the case referred to in paragraph (4), this does not apply to the obligations that a patent attorney corporation has come to bear for its client in connection with a designated case.

(Liability for Acts Mistaken as the Acts of Members)

Article 47-5 If a person who is not a member engages in an act that causes the person to be mistaken for a member, that person assumes the same liability as that assumed by members in relation to persons that transact with the patent attorney corporation based on the mistake.

(Restrictions on Working on Specific Cases)

Article 48 (1) A patent attorney corporation must not work on a case falling under one of the following items; provided, however, that this does not apply to a case under item (iii), if the client of the case that the patent attorney corporation has already undertaken consents to it:

- (i) a case about which the counterparty has consulted the patent attorney corporation, and that the patent attorney corporation has helped the counterparty with or agreed to take for the counterparty;
  - (ii) a case about which the counterparty has consulted the patent attorney corporation to an extent and in a manner that is found to be based on a fiduciary relationship;
  - (iii) a different case that the counterparty to a case that the patent attorney corporation has already accepted asks the patent attorney to take; or
  - (iv) a case in which half or more of the members of the patent attorney corporation must not be involved because it is a case as stated in the items of paragraph (3).
- (2) A member or employee of a patent attorney corporation must not conduct business in a case as stated in the items of the preceding paragraph for personal benefit or to benefit a third party.
- (3) A member or employee of a patent attorney corporation must not be involved in the business in a case falling under one of the following items that is conducted by the patent attorney corporation:
- (i) a case about which, before a member or employee joined that patent attorney corporation, the counterparty consulted the member or employee, and that the member or employee helped the counterparty with or agreed to take for the counterparty party;

- (ii) a case about which, before a member or employee joined that patent attorney corporation, the counterparty consulted the member or employee to an extent and in a manner that is found to be based on a fiduciary relationship;
- (iii) a case that the member or employee has handled as a government employee in the course of duty;
- (iv) a case that a member or employee has handled as an arbitrator in an arbitration proceeding; or
- (v) a case about which, during the time that a member or employee was engaged in its business of another patent attorney corporation as its member or employee before becoming a member or employee of the relevant patent attorney corporation, the counterparty consulted the other patent attorney corporation; that the other patent attorney corporation helped the counterparty with or agreed to take for the counterparty; that the member or employee personally became involved in; or
- (vi) a case about which, during the time that a member or employee was engaged in its business of another patent attorney corporation as its member or employee before becoming a member or employee of the relevant patent attorney corporation, the counterparty consulted the other patent attorney corporation, to an extent and in a manner that is found to be based on a fiduciary relationship, and that the member or employee personally became involved in.

(Manner in Conduct of Business)

Article 49 A patent attorney corporation must not let a person who is not a patent attorney engage in its business.

(Mutatis Mutandis Application of Provisions Regarding the Duties of Patent Attorneys)

Article 50 The provisions of Articles 29 and 31-3 apply mutatis mutandis to a patent attorney corporation.

(Statutory Withdrawal)

Article 51 A member of a patent attorney corporation withdraws for the following stated reasons:

- (i) deletion of the person's registration as a patent attorney;
- (ii) a reason provided for in the articles of incorporation;
- (iii) the consent of all members; or
- (iv) expulsion.

(Dissolution)

Article 52 (1) A patent attorney corporation is dissolved for the following reasons:

- (i) a reason provided for in the articles of incorporation;
  - (ii) the consent of all members;
  - (iii) a merger with another patent attorney corporation;
  - (iv) an order commencing bankruptcy proceedings;
  - (v) judicial decision ordering its dissolution;
  - (vi) an order of dissolution under the provisions of Article 54; or
  - (vii) unavailability or death of its members.
- (2) If a patent attorney corporation is dissolved for a reason other than as stated in items (iii) and (vi) of the preceding paragraph, it must file a notification of this with the Minister of Economy, Trade and Industry within two weeks from the date of its dissolution.

(Continuing the Existence of a Patent Attorney Corporation)

Article 52-2 If a patent attorney corporation has come to fall under item (vii) of paragraph (1) of the preceding Article due to the death of a member and only in that case, with the consent of that member's heir (or with the consent of the person, who has been designated to exercise the rights of that member pursuant to the provisions of Article 608, paragraph (5) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 675 of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 55, paragraph (2), if applicable), the liquidator of the patent attorney corporation may admit a new member in order to continue the patent attorney corporation's existence.

(Court Supervision)

Article 52-3 (1) The dissolution and liquidation of a patent attorney corporation is subject to the supervision of the court.

- (2) The court may conduct the necessary inspections for the supervision under the preceding paragraph at any time by the court's own authority.
- (3) A court supervising the dissolution and liquidation of a patent attorney corporation may ask for the opinion of the Minister of Economy, Trade and Industry or commission the Minister to undertake an investigation.
- (4) The Minister of Economy, Trade and Industry may express opinions to the court as prescribed in the preceding paragraph.

(Notification of Completion of Liquidation)

Article 52-4 Upon the completion of liquidation of a patent attorney corporation, the liquidator must notify the Minister of Economy, Trade and Industry of the completion.

(Jurisdiction of Cases Involving Supervision of Dissolution and Liquidation)

Article 52-5 A case that involves supervision of the dissolution and liquidation of a patent attorney corporation is subject to the jurisdiction of the district court that has jurisdiction in the locality of the principal office of the patent attorney corporation.

(Appointment of Inspectors)

Article 52-6 (1) The court may appoint an inspector to conduct the necessary investigations for the supervision of the dissolution and liquidation of a patent attorney corporation.

(2) No appeal may be entered against the judicial decision to appoint the inspector referred to in the preceding paragraph.

(3) If the court appoints the inspector referred to in paragraph (1), it may decide the amount of compensation to be paid by the patent attorney corporation to the inspector. In this case, the court must hear the statements of the patent attorney corporation and the inspector.

(Mergers)

Article 53 (1) A patent attorney corporation may, with the consent of all its members, merge with another patent attorney corporation.

(2) A merger becomes effective by a registration of the merger being made by the patent attorney corporation surviving the merger or the patent attorney corporation established in the merger, in the locality of its principal office.

(3) If a patent attorney corporation merges, it must file a notification of this with the Minister of Economy, Trade and Industry within two weeks after the date of the merger, together with its certificate of registered information (as well as the articles of incorporation, for a patent attorney corporation being established in the merger).

(4) The patent attorney corporation surviving the merger or the patent attorney corporation established in the merger succeeds to the rights and obligations of the patent attorney corporations disappeared by the merger.

(Objection by Creditors)

Article 53-2 (1) A creditor of a merging patent attorney corporation may raise objections about the merger against the patent attorney corporation.

(2) A merging patent attorney corporation must issue public notice of the information stated below in the Official Gazette and separately notify each known creditor of the same; provided, however, that the period of time referred to in item (iii) may not be shorter than one month:

(i) the fact that the patent attorney corporation will merge;

- (ii) the names and principal office locations of any patent attorney corporation disappearing in the merger, and of the patent attorney corporation that will survive the merger or be established in the merger; and
  - (iii) the fact that creditors may raise objections within a fixed period of time.
- (3) Notwithstanding the provisions of the preceding paragraph, when , in addition to the Official Gazette, the merging patent attorney corporation seeks to issue the public notice under the provisions of that paragraph by the means stated in Article 939, paragraph (1), item (ii) or (iii) of the Companies Act in accordance with the provisions of the articles of incorporation under the provisions of Article 939, paragraph (1) of that Act, as applied mutatis mutandis pursuant to paragraph (6), the corporation is not required to separately notify its creditors as referred to in the preceding paragraph.
- (4) When a creditor does not raise an objection within the period of time stated in paragraph (2), item (iii), that creditor is deemed to have approved the merger.
- (5) When a creditor raises an objection within the period of time stated in paragraph (2), item (iii), the merging patent attorney corporation must pay its debt or provide adequate collateral to the creditor, or must place adequate assets into trust with a trust company or financial institution (meaning a trust company and a financial institution (meaning a financial institution that has been authorized under Article 1, paragraph (1) of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943)) that engage in trust business) for the purpose of allowing the creditor to receive payment for that debt; provided, however, that this does not apply if the merger is not likely to harm the creditor.
- (6) The provisions of paragraph (1) (limited to the part relating to items (ii) and (iii)) and paragraph (3) of Article 939, paragraph (1) (limited to the part relating to item (iii)) and paragraph (3) of Article 940, Articles 941, 946, and 947, Article 951, paragraph (2), Articles 953 and 955 of the Companies Act apply mutatis mutandis if a patent attorney corporation issues a public notice under the provisions of paragraph (2). In this case, the phrase "means of public notice" in Article 939, paragraphs (1) and (3) of that Act is deemed to be replaced with "means of issuing public notice of the merger", and the term "trade name" in Article 946, paragraph (3) of that Act is deemed to be replaced with "name".

(Action to Invalidate a Merger)

Article 53-3 The provisions of Article 828, paragraph (1) (limited to the part relating to items (vii) and (viii)) and paragraph (2) (limited to the part relating to items (vii) and (viii)), Article 834 (limited to the part relating to items (vii) and (viii)), Article 835, paragraph (1), Article 836, paragraphs (2) and (3), Articles 837 through 839, Article 843 (except for paragraph (1), items (iii) and

(iv) and proviso of paragraph (2)), and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the merger of a patent attorney corporation, and the provisions of Article 868, paragraph (6), Article 870, paragraph (2) (limited to the part relating to item (vi)), Article 870-2, the main text of Article 871, Article 872 (limited to the part relating to item (v)), Article 872-2, the main text of Article 873, Articles 875 and 876 of that Act apply mutatis mutandis to a petition under Article 843, paragraph (4) of that Act, as applied mutatis mutandis pursuant to this Article.

(Dispositions Undertaken Regarding Illegal Acts)

Article 54 (1) When a patent attorney corporation violates this Act or an order based on this Act, or when its operations are found to be extremely inappropriate, the Minister of Economy, Trade and Industry may admonish or order the patent attorney corporation to suspend the whole or part of its business during a specified period of no longer than two years, or may order it to dissolve.

(2) The provisions of Articles 33, 34, and 36 apply mutatis mutandis to a disposition as referred to in the preceding paragraph.

(3) When a patent attorney corporation is disposed of pursuant to the provisions of paragraph (1), and there is a factual circumstance that falls under Article 32 concerning a member or employee of that patent attorney corporation, the provisions of that paragraph must not be construed to preclude disciplinary action also being taken against the patent attorney that is a member or employee of that patent attorney corporation.

(Mutatis Mutandis Application of the Act on General Incorporated Associations and General Incorporated Foundations and the Companies Act)

Article 55 (1) The provisions of Article 4 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) and Articles 600, 614 through 619, 621, and 622 of the Companies Act apply mutatis mutandis to a patent attorney corporation; the provisions of Articles 581 and 582, Article 585, paragraphs (1) and (4), Articles 586, 593 through 596, 601, 605, and 606, Article 609, paragraphs (1) and (2), Article 611 (except for the proviso of paragraph (1)) and Article 613 of the Companies Act apply mutatis mutandis to members of a patent attorney corporation; the provisions of Articles 859 through 862 of the Companies Act apply mutatis mutandis to the expulsion and action to extinguish the right to conduct the relevant business and the authority to act as representative of a patent attorney corporation. In this case, the term "trade name" in Article 613 of the Companies Act is deemed to be replaced with "name", the phrase "Ministry of Justice Order" in Article 615, paragraph (1), Article 617, paragraphs (1) and (2),

and Article 618, paragraph (1), item (ii) of the Companies Act is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry", and the phrase "electronic or magnetic record" in Article 617, paragraph (3) of the Companies Act is deemed to be replaced with "electronic or magnetic record (meaning an electronic or magnetic record as prescribed in Article 75 of the Patent Attorneys Act; the same applies in paragraph (1), item (ii) of the following Article)".

(2) The provisions of Article 644 (except for item (iii)), Articles 645 through 649, Article 650, paragraphs (1) and (2), Article 651, paragraphs (1) and (2) (except for the part relating to the mutatis mutandis application of Article 594 of the Companies Act), Articles 652, 653, 655 through 659, 662 through 664, 666 through 673, 675, 863, and 864, Article 868, paragraph (1), Article 869, Article 870, paragraph (1) (limited to the part relating to items (i) and (ii)), Articles 871 and 872 (limited to the part relating to item (iv)), Article 874 (limited to the part relating to items (i) and (iv)), Articles 875 and 876 of the Companies Act apply mutatis mutandis to the dissolution and liquidation of a patent attorney corporation. In this case, the phrase "Article 641, item (v)" in Article 644, item (i) of the Companies Act is deemed to be replaced with "Article 52, paragraph (1), item (iii) of the Patent Attorneys Act"; the phrase "Article 641, item (iv) or (vii)" in Article 647, paragraph (3) of the Companies Act is deemed to be replaced with "paragraph (1), items (v) through (vii) of Article 52 of the Patent Attorneys Act"; the phrase "Ministry of Justice Order" in Article 658, paragraph (1) and Article 669 of the Companies Act is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry"; the phrase "items (i) through (iii) of Article 641" in Article 668, paragraph (1) and Article 669 of the Companies Act is deemed to be replaced with "Article 52, paragraph (1), item (i) or (ii) of the Patent Attorneys Act"; the phrase "Article 939, paragraph (1)" in Article 670, paragraph (3) of the Companies Act is deemed to be replaced with "Article 939, paragraph (1), as applied mutatis mutandis pursuant to Article 53-2, paragraph (6) of the Patent Attorneys Act"; and the phrase "Article 580" in Article 673, paragraph (1) of the Companies Act is deemed to be replaced with "Article 47-4 of the Patent Attorneys Act".

(3) The provisions of Articles 824 and 826, Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part relating to item (x)), the main text of Article 871, Article 872 (limited to the part relating to item (iv)), the main text of Article 873, Articles 875, 876, and 904, and Article 937, paragraph (1) (limited to the part relating to item (iii), (b)) of the Companies Act apply mutatis mutandis to an order to dissolve a patent attorney corporation; the provisions of Article 825, Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part relating to item (i)), Articles 871 and 872 (limited to the part relating to items (i) and (iv)), Articles 873 and 874 (limited to the part relating to items

- (ii) and (iii)), Articles 875, 876, 905, and 906 of that Act apply mutatis mutandis to the preservation of assets of a patent attorney corporation if a petition stated in Article 824, paragraph (1) of that Act, as applied mutatis mutandis pursuant to this paragraph, has been filed.
- (4) The provisions of Article 828, paragraph (1) (limited to the part relating to item (i)) and (2) (limited to the part relating to item (i)), Articles 834 (limited to the part relating to item (i)), Article 835, paragraph (1), Articles 837 through 839, and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the establishment of a patent attorney corporation.
- (5) The provisions of Article 833, paragraph (2), Article 834 (limited to the part relating to item (xxi)), Article 835, paragraph (1), Articles 837, 838, and 846, and Article 937, paragraph (1) (limited to the part relating to item (i), (i)) of the Companies Act apply mutatis mutandis to an action to seek the dissolution of a patent attorney corporation.
- (6) To apply the provisions of Article 16 of the Bankruptcy Act (Act No. 75 of 2004), a patent attorney corporation is deemed to be a general partnership company.

## **Chapter VII Japan Patent Attorneys Association**

(Establishment, Purpose, and Legal Personality)

- Article 56 (1) A patent attorney must establish a single Japan Patent Attorneys Association for the whole country (referred to below as the "Patent Attorneys Association" in this Chapter) pursuant to the provisions of this Act.
- (2) The purpose of the Patent Attorneys Association is to conduct operations related to the instruction, communication, and supervision of its members in order to maintain the integrity of the patent attorney profession and advance and improve the business of a patent attorney and patent attorney corporation, as well as to conduct operations related to the registration of a patent attorney, in light of the mission and duties of a patent attorney and patent attorney corporation.
- (3) The Patent Attorneys Association is a corporation.

(Articles of Association)

- Article 57 (1) The Patent Attorneys Association must establish articles of association specifying the matters stated below:
- (i) the name and location of its office;
  - (ii) provisions relating to admission to and withdrawal from the Association;
  - (iii) provisions relating to the types of members, and their rights and duties;
  - (iv) provisions relating to officers;
  - (v) provisions relating to meetings;

- (vi) provisions relating to branches;
  - (vii) provisions relating to the registration of a patent attorney;
  - (viii) provisions relating to the registration screening board;
  - (ix) provisions relating to maintaining the integrity of members;
  - (x) provisions relating to the training of members;
  - (xi) provisions relating to practical training;
  - (xii) provisions relating to the mediation of disputes relating to members' business;
  - (xiii) provisions relating to the provision of information concerning the Patent Attorneys Association and its members;
  - (xiv) provisions relating to membership fees;
  - (xv) provisions relating to accounting and assets;
  - (xvi) provisions relating to the secretariat; and
  - (xvii) other provisions that are necessary in order for it to achieve the purpose of the Patent Attorneys Association.
- (2) Enactment of or changes to the articles of association (limited to changes involving the material matters specified by Cabinet Order) do not become effective without the authorization of the Minister of Economy, Trade and Industry.

(Branches)

Article 58 The Patent Attorneys Association may establish a branch when necessary for achieving its purposes.

(Registration)

Article 59 (1) The Patent Attorneys Association must register itself pursuant to Cabinet Order.

- (2) The information that must be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party unless it has been registered.

(Admission and Withdrawal)

Article 60 A patent attorney or patent attorney corporation is automatically admitted to the Patent Attorneys Association; a patent attorney automatically withdraws from the Association upon having the registration with the Association deleted; and a patent attorney corporation automatically withdraws from the Association if it is dissolved.

(Disposition of Removal by the Patent Attorneys Association)

Article 61 With the authorization of the Minister of Economy, Trade and Industry, the Patent Attorneys Association may remove any member from its

membership who presents a risk of disrupting the order or damaging the reputation of the Patent Attorneys Association.

(Duty to Observe Articles of Association)

Article 62 A member must observe the articles of association of the Patent Attorneys Association.

(Officers)

Article 63 (1) The Patent Attorneys Association has a president, vice president, and other officers specified by the articles of association.

(2) The president represents the Patent Attorneys Association and presides over its business.

(3) The vice president assists the president in a way decided by the president, represents the duties of the president in the event of an accident to the president, and performs the duties of the president if the position is vacant.

(4) Officers may delegate others to represent them in performing specific acts, unless this is prohibited by the articles of association or by general meeting resolution.

(General Meeting)

Article 64 (1) The Patent Attorneys Association must hold a regular general meeting every year.

(2) If the Patent Attorneys Association finds it to be necessary, it may hold an extraordinary general meeting.

(Matters Requiring Resolution at a General Meeting)

Article 65 Any changes to the articles of association, budgets and settlements of accounts must be decided by resolution at a general meeting.

(Reporting General Meeting Resolutions)

Article 66 The Patent Attorneys Association must report resolutions at its general meetings, and its officers' assumption of and retirement from office to the Commissioner of the Japan Patent Office.

(Mediation of Disputes)

Article 67 The Patent Attorneys Association may mediate a dispute regarding the business of its member at the request of a member, a party to the dispute, or other person concerned.

(Proposals and Consultation Reports)

Article 68 The Patent Attorneys Association may make proposals concerning

services of or systems for patent attorneys to the Minister of Economy, Trade and Industry or the Commissioner of the Japan Patent Office, or respond to their consultation. .

(Reporting Factual Circumstances Constituting Grounds for Disciplinary Action)

Article 69 (1) When the Patent Attorneys Association finds that there is a factual circumstance that falls under the provisions of Article 32 or 54 concerning its member, the Association is to report that factual circumstance to the Minister of Economy, Trade and Industry.

(2) The provisions of Article 33, paragraph (2) apply *mutatis mutandis* to a case in which a report as referred to in the preceding paragraph has been made.

(Registration Screening Board)

Article 70 (1) The Patent Attorneys Association has a registration screening board.

(2) At the request of the Patent Attorneys Association, the registration screening board is to conduct the necessary screenings regarding the refusal of registrations under the provisions of Article 19, paragraph (1), revocation of registrations under the provisions of Article 23, paragraph (1), and deletion of registrations under the provisions of Article 25, paragraph (1).

(3) The registration screening board is comprised of a chairperson and four board members.

(4) The president of the Patent Attorneys Association serves as the chairperson.

(5) The chairperson is to appoint board members, with the authorization of the Minister of Economy, Trade and Industry, from among patent attorneys, employees of the Ministry of Economy, Trade and Industry engaged in administrative functions that concern patent attorneys, and persons with relevant academic expertise.

(6) The term of office of board members is two years; provided, however, that the term of office of a board member appointed to fill a vacancy is the remaining term of office of the predecessor.

(7) Beyond what is prescribed in each of the preceding paragraphs, the necessary matters relating to the organization and operation of the registration screening board are specified by Cabinet Order.

(Report and Inspection)

Article 71 (1) When the Minister of Economy, Trade and Industry finds it necessary to ensure the proper operation of the Patent Attorneys Association, the Minister may have the Association submit a report or materials, or have their employee enter into the office of the Patent Attorneys Association and

inspect its books and other materials.

- (2) The employee seeking to conduct an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it at the request of any person concerned.
- (3) The authority to conduct the on-site inspection under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Invalidation of General Meeting Resolutions)

Article 72 The Minister of Economy, Trade and Industry may order the invalidation of a general meeting resolution if the resolution violates a law or regulation or the articles of association of the Patent Attorneys Association, or if it is contrary to public interest.

(Mutatis Mutandis Application of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 73 The provisions of Articles 4 and 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to the Patent Attorneys Association.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 74 Beyond what is provided for in this Act, the necessary matters related to the Patent Attorneys Association are specified by Order of the Ministry of Economy, Trade and Industry.

## **Chapter VIII Miscellaneous Provisions**

(Restriction of Business by Persons Other Than a Patent Attorney or Patent Attorney Corporation)

Article 75 A person that is not a patent attorney or a patent attorney corporation may not engage in the business of representing other persons, by request and for compensation, in procedures with the Japan Patent Office involving patents, utility models, designs, or trademarks or involving international applications, applications for the international registration of designs, or applications for the international registration of trademarks; to represent other persons in procedures with the Minister of Economy, Trade and Industry regarding requests for review under the provisions of the Administrative Complaint Review Act or administrative decisions that involve patents, utility models, designs, or trademarks (except for representing other persons in procedures for paying patent fees, applying for registration in the patent registry, and other actions specified by Cabinet Order); to prepare expert opinions or the documents or electronic or magnetic records (meaning a

record used in computerized data processing that has been created in electronic form, magnetic form, or any other form that cannot be perceived with the human senses) that are specified by Cabinet Order in connection with matters involved in the procedures.

(Restriction on Name Use)

Article 76 (1) A person that is not a patent attorney must not use the title "弁理士" (transliterated as "benrishi" and meaning "patent attorney") or any similar title, and a person that is not a patent attorney corporation must not use the title "特許事務所" (transliterated as "tokkyo jimusho" and meaning "patent office") or any similar title.

(2) A person that is not a patent attorney corporation must not use the title "弁理士法人" (transliterated as "benrishi hojin" and meaning "patent attorney corporation") or any similar title.

(3) A body other than the Japan Patent Attorneys Association must not use the title "日本弁理士会" (transliterated as "nihon benrishi kai" and meaning "Japan Patent Attorneys Association") or any similar title.

(Duty of Confidentiality of Patent Attorneys' Employees and Workers)

Article 77 It is prohibited for the employee or other worker of a patent attorney or patent attorney corporation or a person that has held one of these positions to divulge or misappropriate any secret learned in the course of providing assistance for the business under Articles 4 through 6-2, without legitimate grounds.

(Publication of Information Relating to Patent Attorneys)

Article 77-2 (1) The Minister of Economy, Trade and Industry and the Japan Patent Attorneys Association are to make public any information regarding a patent attorney being particularly necessary for a person seeking to hire a patent attorney to have in order to make an appropriate choice, that each of them retains and that constitutes information specified by Order of the Ministry of Economy, Trade and Industry, taking into consideration the need to protect a patent attorney's personal information.

(2) The methods of and procedures for making information public as referred to in the preceding paragraph are specified by Order of the Ministry of Economy, Trade and Industry.

(3) A patent attorney must endeavor to provide a person seeking to hire a patent attorney with information that contributes to an appropriate choice.

## **Chapter IX Penal Provisions**

Article 78 When a person who is not qualified to be a patent attorney has caused the Japan Patent Attorney Association to register that person in the patent attorney register by making a false application regarding their qualifications, that person is subject to imprisonment for not more than one year or to a fine of not more than one million yen.

Article 79 A person falling under one of the following items is subject to imprisonment for not more than one year or to a fine of not more than one million yen:

- (i) a person that has violated the provisions of Article 31-3 (including as applied *mutatis mutandis* pursuant to Article 50);
- (ii) a person that has violated a disposition of suspension of business under the provisions of Article 32 or 54, paragraph (1); or
- (iii) a person that has violated the provisions of Article 75.

Article 80 (1) A person violating the provisions of Article 16-5, paragraph (1), Article 30 or 77 is subject to imprisonment for not more than six months or to a fine of not more than five hundred thousand yen.

(2) The offense referred to in the preceding paragraph may not be instituted prosecution without a first-hand crime report.

Article 80-2 An officer or employee of a designated training organization violating an order of suspension of its practical training operations under the provisions of Article 16-12, paragraph (2) is subject to imprisonment for not more than six months or to a fine of not more than five hundred thousand yen.

Article 81 A person falling under one of the following items is subject to a fine of not more than one million yen:

- (i) a person that has not made a report or submitted materials under the provisions of Article 71, paragraph (1), or that has made a false report or submitted false materials, or that has refused, obstructed, or evaded an on-site inspection under the provisions of that paragraph; or
- (ii) a person violating the provisions of Article 76.

Article 81-2 In violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied *mutatis mutandis* pursuant to Article 53-2, paragraph (6), a person that has failed to make a statement or record, or has made a false statement or record of what is provided by Ministry of Justice Order concerning the electronic public notice investigation under Article 955, paragraph (1) of that Act in the investigation record book under that paragraph, or that has failed to preserve the register, is subject to a fine of not

more than three hundred thousand yen.

Article 81-3 In circumstances falling under one of the following items, the officer or employee of the designated training organization that has committed the relevant violation is subject to a fine of not more than three hundred thousand yen:

- (i) when a designated training organization has failed to keep the books, make a statement in the books or has made a false statement in the books, or has failed to preserve the books, in violation of Article 16-8;
- (ii) when a designated training organization has not made a report or submitted materials under the provisions of Article 16-10, paragraph (1), or has made a false report or submitted false material, or has refused, obstructed, or evaded an on-site inspection under the provisions of that paragraph; or
- (iii) when a designated training organization has discontinued the whole of its practical training operations without obtaining the permission referred to in Article 16-11, paragraph (1).

Article 82 When the representative of a corporation or the agent, worker, or other employee of a corporation or individual has committed a violation of Article 79, item (i) (limited to the part relating to Article 31-3, as applied mutatis mutandis pursuant to Article 50), item (ii) (limited to the part relating to Article 54, paragraph (1)), or item (iii) or Article 81 or 81-2 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine prescribed in the respective Articles.

Article 83 A person that has not made a report or has made a false report, or has not submitted books and other materials under the provisions of Article 34 (including as applied mutatis mutandis pursuant to Article 54, paragraph (2)), is subject to a civil fine of not more than three hundred thousand yen.

Article 84 A person falling under one of the following items is subject to a civil fine of not more than one million yen:

- (i) a person that has not made a report or has made a false report in violation of the provisions of Article 946, paragraph (3) of the Companies Act, as applied mutatis mutandis pursuant to Article 53-2, paragraph (6); or
- (ii) a person that has refused a request as stated in the items of Article 951, paragraph (2) or of Article 955, paragraph (2) of the Companies Act, as applied mutatis mutandis pursuant to Article 53-2, paragraph (6), without legitimate grounds.

Article 85 In a case that falls under one of the following items, a member or liquidator of a patent attorney corporation, or an officer of the Japan Patent Attorneys Association is subject to a civil fine of not more than three hundred thousand yen:

- (i) when the person has failed to register in violation of the provisions of Cabinet Order under this Act;
- (ii) when the person has merged in violation of Article 53-2, paragraph (2) or (5);
- (iii) when the person has failed to request an investigation as referred to in Article 941 of the Companies Act as applied mutatis mutandis pursuant to Article 53-2, paragraph (6) in violation of the provisions of Article 941 of that Act;
- (iv) when the person has failed to make a statement or record, or has made a false statement or record of what is to be stated or recorded in the accounting books referred to in the articles of incorporation or Article 615, paragraph (1) of the Companies Act, as applied mutatis mutandis pursuant to Article 55, paragraph (1), or in the balance sheet referred to in Article 617, paragraph (1) or (2) of that Act, as applied mutatis mutandis in Article 55, paragraph (1);
- (v) when the person has failed to file a petition to commence bankruptcy proceedings in violation of the provisions of Article 656, paragraph (1) of the Companies Act, as applied mutatis mutandis pursuant to Article 55, paragraph (2);
- (vi) when the person has distributed assets in violation of the provisions of Article 664 of the Companies Act, as applied mutatis mutandis pursuant to Article 55, paragraph (2); or
- (vii) when the person has disposed of assets in violation of the provisions of Article 670, paragraph (2) or (5) of the Companies Act, as applied mutatis mutandis pursuant to Article 55, paragraph (2).