

# Patent Attorneys Act

(Act No. 49 of April 26, 2000)

## Table of Contents

Chapter I General Provisions (Articles 1 through 8)
Chapter II Patent Attorney Examination (Articles 9 through 16)
Chapter II-2 Practical Training (Article 16-2 through 16-5)
Chapter III Registration (Articles 17 through 28)
Chapter IV Duties of Patent Attorneys (Articles 29 through 31-3)
Chapter V Liabilities of Patent Attorneys (Articles 32 through 36)
Chapter VI Patent Attorney Corporations (Articles 37 through 55)
Chapter VII Japan Patent Attorneys Association (Articles 56 through 74)
Chapter VIII Miscellaneous Provisions (Articles 75 through 77-2)
Chapter IX Penal Provisions (Articles 78 through 85)
Supplementary Provisions

## 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 in Article 2, paragraph (1) of the Basic Act on Intellectual Property (Act No. 122 of 2002); hereinafter the same applies in this Article), to facilitate the proper protection and use of intellectual property rights (meaning intellectual property rights as provided in paragraph (2) of that Article) and otherwise contribute to the proper operation of intellectual property systems, and to thereby 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 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 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 in Article 68-2, paragraph (1) of the Trademark Act (Act No. 127 of 1959).
- (4) The term "circuit layout" as used in this Act means a circuit layout as

provided in Article 2, paragraph (2) of the Act Concerning the Circuit Layouts of Semiconductor Integrated Circuits (Act No. 43 of 1985).

- (5) The term "specific unfair competition" as used in this Act means unfair competition as provided in Article 2, paragraph (1) of the Unfair Competition Prevention Act (Act No. 47 of 1993), as set forth in items (i) through (xvi) and items (xix) through (xxii) of that paragraph (for what is set forth in items (iv) through (ix) of that paragraph, this is limited to unfair competition involving a technical secret (meaning a trade secret as prescribed in paragraph (6) of that Article that constitutes technical information; the same applies hereinafter); for what is set forth in paragraph (1), items (xi) through (xvi) of that Article, this is limited to unfair competition involving technical data (meaning protected data as prescribed in paragraph (7) of that Article that constitutes technical information; the same applies hereinafter); for what is set forth in paragraph (1), item (xx) of that Article, this is limited to unfair competition involving a trademark; and for what is set forth in item (xxi) of that paragraph, this is limited to unfair competition involving a false allegation concerning a right connected with a patent, utility model, design, trademark, or circuit layout 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 circuit layout, 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 incorporated 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, have a mastery of the laws, regulations, and practices involved in the business, and conduct business in a fair and sincere manner.

(Business)

Article 4 (1) Patent attorneys are in the business of undertaking, at the request of other persons, to represent other persons 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 particulars 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 persons in procedures with the Director-General of Custom-Houses that involve the accreditation 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 Custom-Houses or the Minister of Finance that involve 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 pertains undertakes with the Director-General of Custom-Houses or the Minister of Finance;
  - (ii) representing persons in alternative dispute resolution proceedings (meaning alternative dispute resolution proceedings referred to in Article 1 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004); hereinafter the same applies in this item) in cases involving patents, utility models, designs, trademarks, circuit layouts, or specific unfair competition, or cases involving a right connected with a work (meaning a work as provided in Article 2, paragraph (1), item (i) of the Copyright Act (Act No. 48 of 1970); the same applies hereinafter), when these proceedings 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 proceedings in such cases in a fair and proper manner; and
  - (iii) consulting about the operations set forth in the preceding two items.
  - (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 prescribed 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, circuit

- layout, or work or of a technical secret or technical data; a contract involving the granting of a non-exclusive license for any of these; or any other such contract; or acting as a consultant with regard to 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 mainly 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), circuit layout (unless the application for registering the creation of the right to use the circuit layout has already been submitted to the Minister of Economy, Trade and Industry), 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 a Japanese Industrial Standard or other such standard that contributes to providing more opportunities for the use of rights connected with patents, utility models, designs, trademarks, or circuit layouts, or of technical secrets or technical data, or acting as a consultant with regard the preparation of a draft of such a standard.

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 patents, utility models, designs or trademarks, or international applications or applications for international registration of designs or applications for international registration of trademarks, circuit layouts 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 if the 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 provided 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) If a patent attorney has passed the examination to qualify as counsel in proceedings alleging specific infringement as provided in Article 15-2, paragraph (1) and has had a supplementary note indicating this fact added pursuant to 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) If 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, if 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) a person not otherwise falling under the preceding item 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 it has not been five years since the date on when the person finished serving the sentence or ceased to be subject to its execution;
- (iii) a person not otherwise falling under either of the preceding two items who has committed one of the offenses prescribed in Article 108-4, paragraph (2) of the Customs Act (limited to the part pertaining to Article 69-2, paragraph (1), items (iii) and (iv) of that Act; hereinafter the same applies in this item),

paragraph (3) (limited to the part pertaining to Article 108-4, paragraph (2) of that Act) or paragraph (5) (limited to the part pertaining to Article 69-2, paragraph (1), items (iii) and (iv) of that Act), Article 109, paragraph (2) (limited to the part pertaining to Article 69-11, paragraph (1), items (ix) and (x) of that Act; hereinafter the same applies in this item), paragraph (3) (limited to the part pertaining to Article 109, paragraph (2) of that Act) or paragraph (5) (limited to the part pertaining 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 pertaining to Article 108-4, paragraph (2) and Article 109, paragraph (2) of that Act), the offenses as prescribed in Articles 119 through 122 of the Copyright Act, the offenses prescribed in Article 51, paragraph (1) or Article 52 of the Act Concerning the Circuit Layouts of a Semiconductor Integrated Circuit, the offenses as prescribed in Article 21, paragraph (1), Article 21, paragraph (2), items (i) through (v) or item (vii) (except for the part pertaining to Article 18, paragraph (1) of the Unfair Competition Prevention Act) or Article 21, paragraph (3) or (4) 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 it has not been three years since the date on which the person completed the sentence or ceased to be subject to its execution;

(iv) a government employee who has been subject to a disposition of disciplinary dismissal, if it has not been three years since the date of the disposition;

(v) a person who has been subject to a disposition rescinding a registration pursuant to the provisions of Article 23, paragraph (1), if it has not been three years 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 it has not been three years 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 tax accountant, due to a disciplinary action pursuant to the provisions of the Attorney 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 Accountancy Act (Act No. 103 of 1948) or the Tax Accountant Act (Act No. 237 of 1951), if it has not been three years since the date of the disposition;

- (viii) 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;
- (ix) a minor; or
- (x) a person who has become subject to an order commencing bankruptcy proceedings and whose rights have not been restored.

## **Chapter II Patent Attorney Examination**

### **(Purpose and Method of Examination)**

Article 9 The purpose of the patent attorney examination is to assess whether or not a person has the knowledge and the practical skills necessary for a person seeking to become a patent attorney, 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 hereinafter) 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 (hereinafter referred to as "industrial property rights" in this Article and items (iv) and (v) of the following Article);
- (ii) treaties on industrial property rights; and
- (iii) 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, beyond what is set forth in the preceding two items.

(2) The essay component of the examination is conducted on the following subjects, for persons who have 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 persons who have passed the written examination.

### **(Examination Exemption)**

Article 11 At the application of a person falling under one of the following items, that person is exempted from the part of the examination indicated in the item:

- (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 in 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 gotten a score on the essay component of the examination in a subject as set forth 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 National Government Organization Act (Act No. 120 of 1948)) specified by Cabinet Order (hereinafter referred to as a "council") finds to be sufficient: the essay component of an examination in that subject that is conducted by the last day in 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 gotten that score.
- (iii) a person who has gotten a score on the essay component of the examination in a subject as set forth 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 thereafter.
- (iv) a person who has completed a program at a graduate school under 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 set forth in paragraph (1), items (i) and (ii) of the preceding Article that is conducted by last day in the two-year period beginning on the date of completion of the program.
- (v) a person who has been engaged for a total of at least five years in functions involved in trials, appeals, or examinations at the Japan Patent Office: the part of the examination conducted on laws, regulations, and treaties relating to industrial property rights.
- (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.

(Execution 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.

(Rescission of the Decision That a Person Has Passed the Examination; Related Matters)

Article 14 (1) The council may rescind 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 preceding paragraph is not permitted to take the patent attorney examination during a period of up to three years that the council fixes 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 in consideration of 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 patent attorneys who have completed the training in the necessary knowledge and practical skills to act as counsel in proceedings alleging specific infringement that Order of the Ministry of Economy, Trade and Industry prescribes, in order to assess whether they have 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, Order of the Ministry of Economy, Trade and Industry provides for the necessary particulars related to the patent attorney examination and the examination to qualify as counsel in proceedings alleging specific infringement.

## 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 set forth in the items of Article 7 the skills and advanced expertise that they need in order 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 teachers and instructors who are patent attorneys and who have a total of at least seven years of practical experience.

(Designation of a Designated Training Agency)

Article 16-3 (1) The Minister of Economy, Trade and Industry may have a person designated thereby (hereinafter referred to as a "designated training agency") 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; hereinafter referred to as "practical training operations").

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

(3) Having designated a designated training agency, the Minister of Economy, Trade and Industry is not to perform practical training operations.

(4) The Minister of Economy, Trade and Industry must not designate a designated training agency 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 particulars, 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 foundations 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, there is no risk that its 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) If a person that has filed an application as referred to in paragraph (2) falls under one of the following items, the Minister of Economy, Trade and Industry must not designate that person as a designated training agency:
- (i) the applicant has had a designation rescinded pursuant to the provisions of Article 16-12, paragraph (1) or (2), and it has not been two years since the date of the rescission; or
  - (ii) one of the applicant's officers is a person that has been subject to sentencing for having committed one of the offenses prescribed in this Act, and it has not been two years since the date on which the person finished serving the sentence or ceased to be subject to its execution.

(Public Notice of Designation)

- Article 16-4 (1) Having designated a designated training agency, the Minister of Economy, Trade and Industry must issue public notice of the name and address of the designated training agency, the locality of the office where it will perform practical training operations, and the date on which it will commence practical training operations.
- (2) If a designated training agency 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 prior to 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 agency (including practical training teachers and instructors; 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 agency who is engaged in practical training operations is deemed to be an official 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 agency must establish rules regarding the implementation of practical training operations (hereinafter referred to as "rules for training operations") and obtain the approval of the Minister of Economy, Trade and Industry prior to commencing practical training

operations. The same applies if the designated training agency seeks to change these.

- (2) Order of the Ministry of Economy, Trade and Industry provides for the particulars that must be provided for in the rules for training operations.
- (3) If the Minister of Economy, Trade and Industry finds that the approved 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 agency to change the rules of training operations.
- (4) The standards for the approval referred to in paragraph (1) are specified by Order of the Ministry of Economy, Trade and Industry.

#### (Business Plans)

Article 16-7 (1) Every fiscal year, a designated training agency 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 prior to 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 agency seeks to change this.

- (2) Every fiscal year, a designated training agency 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 of 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 agency 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 If the Minister of Economy, Trade and Industry finds it necessary to do so in order to ensure the proper and reliable implementation of practical training operations, the Minister may issue orders to a designated training agency that are necessary for the supervision of its practical training operations.

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

Article 16-10 (1) If the Minister of Economy, Trade and Industry finds it to be necessary to do so in order to ensure the proper and reliable implementation of practical training operations, the Minister may have a designated training

agency make a report or submit materials on the status of practical training operations, or have an official enter into the office of a designated training agency and inspect the status of its practical training operations or of its books and other materials.

- (2) The official 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 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 agency 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) Having given the permission referred to in the preceding paragraph, the Minister of Economy, Trade and Industry must issue public notice of this.

(Rescission of a Designation)

Article 16-12 (1) The Minister of Economy, Trade and Industry must rescind the designation of a designated training agency if 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 rescind the designation of a designated training agency or order it to suspend the whole or a part of its practical training operations for a specified period of time if it falls under one of the following items:
  - (i) it is found to no longer be in compliance with any of the items (i) through (iii) of Article 16-3, paragraph (4);
  - (ii) 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) it has conducted practical training operations other than based on the rules of training operations approved pursuant to Article 16-6, paragraph (1);
  - (iv) it has violated an order under Article 16-6, paragraph (3) or Article 16-9; or
  - (v) it came to be designated by deception or other wrongful means.
- (3) Having rescinded a designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or having ordered a person to suspend the whole or part of its practical training operations pursuant to the provisions of those paragraphs, the Minister of Economy, Trade and Industry must issue public notice of this.

(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 if the designated practical training agency has suspended the whole or part of its practical training operations pursuant to the provisions of Article 16-11, paragraph (1); if the Minister has ordered a designated practical training agency to suspend the whole or part of its practical training operations pursuant to the provisions of paragraph (2) of the preceding Article; or if it has become difficult for a designated practical training agency to conduct the whole or part of practical training operations due to a natural disaster or other reasons and the Ministers finds it to be necessary to personally conduct the whole or part of practical training operations.

(2) If 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 before doing so.

(3) Order of the Ministry of Economy, Trade and Industry provides for succession to practical training operations and other necessary particulars 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 rescinded 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 State in an amount specified by Cabinet Order in consideration of actual costs, except in the cases provided for in the following paragraph.

(2) If a designated training agency conducts practical training operations, a person seeking to participate in that practical training must pay a fee to the designated training agency in an amount specified by the designated training agency with the authorization of the Minister of Economy, Trade and Industry pursuant to Cabinet Order.

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

#### (Details of Practical Training)

Article 16-15 Beyond what is provided for in this Act, Order of the Ministry of

Economy, Trade and Industry provides for the necessary particulars related to practical training.

### **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 locality, and other particulars specified by Order of the Ministry of Economy, Trade and Industry registered in the patent attorneys register that is kept at the Japan Patent Attorneys Association.

(2) Registration in the patent attorneys 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 locality, and other particulars specified by Order of the Ministry of Economy, Trade, and Industry, and be accompanied by a document certifying that the applicant is qualified to become a patent attorney.

(Refusal of Registration)

Article 19 (1) If the Japan Patent Attorneys Association finds that a person applying for registration pursuant to 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 such a case, if the fact that the applicant falls under one of the following items is the grounds on which the Japan Patent Attorney Association seeks to refuse the registration, it must do so based on a resolution of the Registration Screening Board under Article 70:

(i) if it is likely that the person would be unfit to practice as a patent attorney due to a mental or physical disorder.

(ii) if the person is likely to damage the reputation of the patent attorney profession.

(2) If 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 If the Japan Patent Attorneys Associations has received an application for registration pursuant to the provisions of Article 18, paragraph (1) and 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) If 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 pursuant to 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 particulars registered in the patent attorneys register without delay.

(Rescission of Registrations)

Article 23 (1) If the Japan Patent Attorneys Associations has discovered that a person registered as a patent attorney came to be registered through deception or other wrongful means, it must rescind the person's registration.

(2) Having rescinded a registration pursuant to the preceding paragraph, the Japan Patent Attorneys Association 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 rescission of a registration as referred to in paragraph (1). In such a 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) if the patent attorney has stopped practicing;

(ii) if the patent attorney has died;

(iii) if the patent attorney has come to fall under one of the items of Article 8 (except for item (v));

(iv) if the patent attorney has been subject to a disposition rescinding the registration thereof under paragraph (1) of the preceding Article; or

(v) if the patent attorney has been subject to a disposition of disbarment under Article 61.

(2) If a patent attorney has come to fall under any of the items (i) through (iii) of the preceding paragraph, that patent attorney or the statutory agent or heir of that patent attorney must notify the Japan Patent Attorneys Association of this without delay.

(3) Having deleted the registration of a patent attorney pursuant to the provisions of item (i), (iii) or (v) of paragraph (1), the Japan Patent Attorneys Association 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 if 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 a registration under 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 such a 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 Having registered a patent attorney or deleted the registration of a patent attorney, the Japan Patent Attorneys Association 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 the registration thereof 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) (hereinafter referred to 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 particulars 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) Having received an application under the preceding Article, the Japan Patent Attorneys Association 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 pursuant to the provisions of the preceding paragraph.

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

- Article 27-4 (1) Having 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 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, Order of the Ministry of Economy, Trade and Industry provides for the necessary particulars related to the registration of patent attorneys.

#### **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 patent attorneys.

(Duty of Confidentiality)

Article 30 It is prohibited for a patent attorney or a person that has held this position 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 case that the patent attorney has already accepted consents to it:

- (i) a case about which the adverse party has consulted the patent attorney, and that the patent attorney has helped the adverse party with or agreed to take for the adverse party;
- (ii) a case about which the adverse party 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 adverse party 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 in the practice of a patent attorney corporation as a patent attorney who was its member or employee, the adverse party consulted the patent attorney corporation; that the patent attorney corporation helped the adverse party with or agreed to take for the adverse party; and that the patent attorney personally became involved in; or
- (vii) a case about which, during the time that the patent attorney was engaged

in the practice of a patent attorney corporation as a patent attorney who was its member or employee, the adverse party 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 Order of the Ministry of Economy, Trade and Industry, must undergo the training to improve patent attorneys' qualifications and quality that the Japan Patent Attorneys Association conducts.

(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 thereon, 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 set forth 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 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) If 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) If 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 referred to in 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 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 documents relating to the practice thereof.

(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 Having reached a disciplinary disposition pursuant to the provisions of Article 32, the Minister of Economy, Trade and Industry must issue public notice of this in the Official Gazette.

## **Chapter VI Patent Attorney Corporations**

(Incorporation)

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

- (2) The provisions of Articles 1 and 3 apply *mutatis mutandis* to patent attorney corporations.

(Name)

Article 38 A patent attorney corporation must use the term "弁理士法人"

(transliterated as "benrishi hojin") 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; or
- (ii) a person that, within 30 days prior to the date of the disposition in question, 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 it has not been three years 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 all or some 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 patent attorneys that have gotten supplementary note added indicating qualification as counsel in actions alleging specific infringement; hereinafter referred to as "members or employees"). In such a 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 particulars that must be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party, unless registered.

(Procedures of Incorporation)

Article 43 (1) In order to incorporate a patent attorney corporation, the patent

- attorneys seeking to become its members must adopt articles of incorporation.
- (2) The articles of incorporation must contain at least the following information:
- (i) purpose;
  - (ii) name;
  - (iii) locality of the office;
  - (iv) names and addresses of members;
  - (v) particulars related to contribution by the members; and
  - (vi) particulars related to acting in an executive capacity regarding 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 incorporation in the locality 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 Act in an Executive Capacity)

Article 46 All members of a patent attorney corporation have the right and obligation to act in an executive capacity respecting its business.

(Changing the Articles of Incorporation)

- Article 47 (1) Unless otherwise provided by the articles of incorporation, a patent attorney corporation may change its articles of incorporation with the consent of all its members.
- (2) Having changed its articles of incorporation, a patent attorney corporation must notify the Minister of Economy, Trade, and Industry of the particulars involved in the change within two weeks from the date of the change.

(Corporate Representatives)

- Article 47-2 (1) Every 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) Members that represent a patent attorney corporation have 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) Members that represent a patent attorney corporation may delegate their authority to represent with regard to 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 (hereinafter referred to as a "designated case"), only the members that are designated (hereinafter referred to as "designated members") have the right and obligation to act in an executive capacity regarding the relevant business.
  - (3) In a designated case, only designated members represent the patent attorney corporation, notwithstanding the provisions of the preceding Article.
  - (4) Having made a designation under paragraph (1), a patent attorney corporation must notify the client of the designated case of this in writing.
  - (5) The client may set a reasonable period of time within which the patent attorney corporation is requested to clarify whether it will make a designation under paragraph (1). In such a 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 thereafter; 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 such a 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) If the obligations of a patent attorney corporation cannot be fully performed out of its assets, all members of the patent attorney corporation are jointly and severally liable for the performance of its obligations.
- (2) The provisions of the preceding paragraph also apply if a compulsory execution 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 execution can be easily effected.
- (4) 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 (including if 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 performed out of its assets, the designated members (including former designated members; hereinafter the same applies in this Article) are jointly and severally liable for the performance 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 compulsory execution 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 execution can be easily effected.
- (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 a member that has not been designated is involved either before or after the designation in the business involved in the designated case, 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 a 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 members of a patent attorney corporation; provided, however, that this does not apply to the obligations that a patent attorney corporation has borne to its client in the case referred to in paragraph (4).

(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 adverse party has consulted the patent attorney corporation, and that the patent attorney corporation has helped the adverse party with or agreed to take for the adverse party;
  - (ii) a case about which the adverse party 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 adverse party 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 set forth in the items of paragraph (3).
- (2) A member or employee patent attorney of a patent attorney corporation must not work on a case as set forth 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 work on a case falling under one of the following items that is conducted by the patent attorney corporation:
- (i) a case about which, before the member or employee joined that patent attorney corporation, the adverse party consulted the member or employee, and that the member or employee helped the adverse party with or agreed to take for the adverse party;
  - (ii) a case about which, before the member or employee joined that patent attorney corporation, the adverse party 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 the member or employee has handled as an arbitrator in an arbitration proceeding;
  - (v) a case about which, during the time that the member or employee was engaged in the practice of another patent attorney corporation as its member or employee before becoming a member or employee of the relevant patent attorney corporation, the adverse party consulted the other patent attorney

corporation; that the other patent attorney corporation helped the adverse party with or agreed to take for the adverse party; and that the member or employee personally became involved in; or

- (vi) a case about which, during the time that the member or employee was engaged in the practice of another patent attorney corporation as its member or employee before becoming a member or employee of the relevant patent attorney corporation, the adverse party 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 Which Persons Act in an Executive Capacity Regarding 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 patent attorney corporations.

(Statutory Withdrawal)

Article 51 Members of a patent attorney corporation withdraw for the following 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 procedures;
- (v) judicial decision ordering its dissolution; or
- (vi) an order of dissolution under the provisions of Article 54.
- (vii) an insufficient number of members.

(2) If a patent attorney corporation is dissolved for a reason other than as set forth 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 such a case, with the consent of that member's heir (or with the consent of the person it has been established will 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 thereof.

(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 such a 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 attorneys incorporated 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 incorporated in the merger).
- (4) The patent attorney corporation that survives the merger or the patent attorney corporation incorporated in the merger succeeds the rights and obligations of the patent attorney corporations extinguished 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 set forth 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 localities of any patent attorney corporation disappearing in the merger, and of the patent attorney corporation that will survive the merger or be incorporated 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, if, in addition to the Official Gazette, the merging patent attorney corporation seeks to issue the public notice under that paragraph by the means set forth in Article 939, paragraph (1), item (ii) or (iii) of the Companies Act in accordance with the provisions of the articles of incorporation under 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) If a creditor does not raise an objection within the period of time set forth in

- paragraph (2), item (iii), that creditor is deemed to have approved the merger.
- (5) If a creditor raises an objection within the period of time set forth 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 or a financial institution (meaning a financial institution that has been approved as referred to in Article 1, paragraph (1) of the Act on Concurrent Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943)) that engages 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 paragraphs (1) (limited to the part pertaining to items (ii) and (iii)) and (3) of Article 939, paragraphs (1) (limited to the part pertaining to item (iii)) and (3) of Article 940, Articles 941, 946, 947, 951, paragraph (2), 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 such a 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 pertaining to items (vii) and (viii)) and paragraph (2) (limited to the part pertaining to items (vii) and (viii)), Article 834 (limited to the part pertaining 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 in 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 pertaining to item (vi)), Article 870-2, the main text of Article 871, Article 872 (limited to the part pertaining 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) If a patent attorney corporation violates this Act or an order based thereon, or if 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 all 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) If 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 with regard to 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 attorneys that are members and employees 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 patent attorney corporations; the provisions of Articles 581, 582, 585, paragraphs (1) and (4), 586, 593 through 596, 601, 605, 606, 609, paragraphs (1) and (2), 611 (except for the proviso of paragraph (1)) and 613 of the Companies Act apply mutatis mutandis to members of patent attorney corporations; and the provisions of Articles 859 through 862 of the Companies Act apply mutatis mutandis to the expulsion and action to extinguish the right to act in an executive capacity regarding the relevant business and the authority of representation of members of patent attorney corporations. In such a 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 Articles 615, paragraph (1), 617, paragraphs (1) and (2), and 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 Attorney Act; the same applies in paragraph (1), item (ii) of the following Article)."
- (2) The provisions of Articles 644 (except for item (iii)), 645 through 649, 650, paragraphs (1) and (2), 651, paragraphs (1) and (2) (except for the part pertaining to the mutatis mutandis application of Article 594 of the Companies Act), 652, 653, 655 through 659, 662 through 664, 666 through 673, 675, 863, 864, 868, paragraph (1), 869, 870, paragraph (1) (limited to the part pertaining to items (i) and (ii)), 871, 872 (limited to the part pertaining to item (iv)), 874 (limited to the part pertaining to items (i) and (iv)), 875 and 876 of the Companies Act apply mutatis mutandis to the dissolution and liquidation of patent attorney corporations. In such a 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 Attorney 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), item (v) or (vi) or paragraph (2) of Article 52 of the Patent Attorney Act"; the phrase "Ministry of Justice Order" in Articles 658, paragraph (1) and 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 Attorney 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 Attorney 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 Attorney Act".
- (3) The provisions of Articles 824, 826, 868, paragraph (1), 870, paragraph (1) (limited to the part pertaining to item (x)), the main text of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main text of Article 873, Articles 875, 876, 904 and 937, paragraph (1) (limited to the part pertaining to item (iii), (b)) of the Companies Act apply mutatis mutandis to an order to dissolve a patent attorney corporation; and the provisions of Articles 825, 868, paragraph (1), 870, paragraph (1) (limited to the part pertaining to item (i)), 871, 872 (limited to the part pertaining to items (i) and (iv)), 873, 874 (limited to the part pertaining to items (ii) and (iii)), 875, 876, 905 and 906 of that Act apply mutatis mutandis to the preservation of assets of patent attorney corporations if a petition set forth 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 pertaining to item (i)) and (2) (limited to the part pertaining to item (i)), Articles 834 (limited to the part pertaining to item (i)), 835, paragraph (1), 837 through 839 and 846 of the Companies Act apply mutatis mutandis to an action to invalidate the incorporation of a patent attorney corporation.
- (5) The provisions of Articles 833, paragraph (2), 834 (limited to the part pertaining to item (xxi)), 835, paragraph (1), 837, 838, 846, and 937, paragraph (1) (limited to the part pertaining to item (i), (i)) of the Companies Act apply mutatis mutandis to an action seeking 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

(Incorporation, Purpose, and Legal Personality)

Article 56 (1) Patent attorneys must incorporate a single Japan Patent Attorneys Association for the whole country (hereinafter referred to 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 patent attorneys and patent attorney corporations; as well as to conduct operations related to the registration of patent attorneys; in light of the mission and duties of patent attorneys and patent attorney corporations.

(3) The Patent Attorneys Association is a corporation.

(Regulations)

Article 57 (1) The Patent Attorneys Association must establish regulations specifying the particulars set forth below:

(i) the name and locality of its offices;

(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 patent attorneys;

(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 related 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) Establishment of or changes to the regulations (limited to changes involving the material particulars prescribed by Cabinet Order) do not become effective

without the approval of the Minister of Economy, Trade and Industry.

(Branches)

Article 58 The Patent Attorneys Association may establish branches if necessary for achieving its purposes.

(Registration)

Article 59 (1) The Patent Attorneys Association must register itself pursuant to provisions of 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 thereof 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 The Patent Attorneys Association, with the approval of the Minister of Economy, Trade and Industry, 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 Regulations)

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

(Officers)

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

(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 president in the event that the president is unable to attend to association duties, and performs the duties of the president if the position is vacant.

(4) Officers may delegate others to represent them in taking certain acts unless this is prohibited by the regulations 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 extraordinary general meetings.

(Matters Requiring Resolution at a General Meeting)

Article 65 Any changes to the regulations, 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 persons concerned.

(Proposals and Consultation Reports)

Article 68 The Patent Attorneys Association may make proposals to the Minister of Economy, Trade and Industry or the Commissioner of the Japan Patent Office, or submit reports in response to a request for consultation therefrom, with regard to the business of or systems for patent attorneys.

(Reporting Factual Circumstances Constituting Grounds for Disciplinary Action)

Article 69 (1) If the Patent Attorneys Association finds that there is a factual circumstance that falls under the provisions of Article 32 or 54 with regard to 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 pursuant to the provisions of Article 19, paragraph (1), rescission of registrations pursuant to the provisions of Article 23, paragraph (1), and deletion of registrations pursuant to the provisions of Article 25, paragraph (1).
- (3) The Registration Screening Board is composed of a chairperson and four board members.
  - (4) The president of the Patent Attorneys Association serves as the chairperson.
  - (5) Having obtained the authorization of the Minister of Economy, Trade and Industry, the chairperson is to appoint board members from among patent attorneys, officials of the Ministry of Economy, Trade and Industry engaged in administrative functions that concern patent attorneys, and persons with relevant 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, Cabinet Order provides for the necessary particulars relating to the organization and operation of the Registration Screening Board.

(Report and Inspection)

- Article 71 (1) If the Minister of Economy, Trade and Industry finds it necessary to do so in order to ensure the proper operation of the Patent Attorneys Association, the Minister may have the Association submit a report or materials, or have officials enter into the office of the Patent Attorneys Association and inspect its books and other materials.
- (2) An official 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 an on-site inspection under paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Rescission of General Meeting Resolutions)

- Article 72 The Minister of Economy, Trade and Industry may order the rescission of a general meeting resolution if the resolution violates a law or regulation or the regulations 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, Order of the Ministry of Economy, Trade and Industry provides for the necessary particulars related to the Patent Attorneys Association.

## **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 undertaking, at the request of other persons and for compensation, to represent other persons 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); or 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 particulars involved in such 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 is to make public any information regarding patent attorneys that each of them retain and that constitutes information specified by Order of the Ministry of Economy, Trade and Industry, in consideration of the need to protect patent attorneys' personal information, as being particularly necessary for persons seeking to hire a patent attorney to have in order to make an appropriate choice.
- (2) Order of the Ministry of Economy, Trade and Industry provides for the means of and procedures for making information public as referred to in the preceding paragraph.
- (3) A patent attorney must endeavor to provide persons seeking to hire a patent attorney with information that contributes to an appropriate choice.

## **Chapter IX Penal Provisions**

Article 78 If 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 attorneys 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 1,000,000 yen.

Article 79 A person falling under one of following items is subject to imprisonment for not more than one year or to a fine of not more than 1,000,000 yen:

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

Article 80 (1) A person violating the provisions of Article 16-5, paragraph (1), 30 or 77 is subject to imprisonment for not more than six months or to a fine of not more than 500,000 yen.

(2) The offense referred to in the preceding paragraph may not be prosecuted without a criminal complaint.

Article 80-2 An officer or official of a designated training agency violating an order of suspension of its practical training operations pursuant to 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 500,000 yen.

Article 81 A person falling under one of following items is subject to a fine of not more than 1,000,000 yen:

- (i) a person that has not made a report or submitted materials under the provisions of Article 71, paragraph (1); 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 A person that, 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), 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 with regard to the electronic public notice under Article 955, paragraph (1) of that Act in the investigation register under that paragraph, or that has failed to preserve the register, is subject to a fine of not more than 300,000 yen.

Article 81-3 In circumstances falling under one of the following items, the officer or employee of the designated training agency that has committed the relevant violation is subject to a fine of not more than 300,000 yen:

- (i) if a designated training agency has failed to keep the books or make a statement in the books, has made a false statement in the books, or has failed to preserve the books, in violation of Article 16-8;
- (ii) if a designated training agency has failed to make a report or submit materials under the provisions of Article 16-10, paragraph (1); has made a false report or submitted a false material; or has refused, obstructed, or evaded an on-site inspection under the provisions of that paragraph; or
- (iii) if a designated training agency has discontinued all of its practical training operations without obtaining the permission referred to in Article 16-11, paragraph (1).

Article 82 If 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 pertaining to Article 31-3, as applied mutatis

mutandis pursuant to Article 50), item (ii) (limited to the part pertaining to Article 54, paragraph (1)), or item (iii) or Articles 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 failing to make a report or making a false report, or failing to submit books and documents in violation of 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 300,000 yen.

Article 84 A person falling under one of the following items is subject to a civil fine of not more than 1,000,000 yen:

- (i) a person failing to make a report or making 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 refusing a request as set forth in one of the items of Article 951, paragraph (2) or in one of the items 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 300,000 yen:

- (i) if the person has failed to register in violation of the provisions of Cabinet Order under this Act;
- (ii) if the person has merged in violation of Article 53-2, paragraph (2) or (5);
- (iii) if 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) if 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) if 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) if 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) if 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).