

# 弁理士法 Patent Attorneys Act

(平成十二年四月二十六日法律第四十九号)  
(Act No. 49 of April 26, 2000)

目次

## Table of Contents

第一章 総則 (第一条—第八条)
Chapter I General Provisions (Articles 1 through 8)
第二章 弁理士試験等 (第九条—第十六条)
Chapter II Patent Attorney Examination (Articles 9 through 16)
第二章の二 実務修習 (第十六条の二—第十六条の十五)
Chapter II-2 Practical Training (Article 16-2 through 16-5)
第三章 登録 (第十七条—第二十八条)
Chapter III Registration (Articles 17 through 28)
第四章 弁理士の義務 (第二十九条—第三十一条の三)
Chapter IV Duties of Patent Attorneys (Articles 29 through 31-3)
第五章 弁理士の責任 (第三十二条—第三十六条)
Chapter V Liabilities of Patent Attorneys (Articles 32 through 36)
第六章 弁理士法人 (第三十七条—第五十五条)
Chapter VI Patent Attorney Corporations (Articles 37 through 55)
第七章 日本弁理士会 (第五十六条—第七十四条)
Chapter VII Japan Patent Attorneys Association (Articles 56 through 74)
第八章 雑則 (第七十五条—第七十七条の二)
Chapter VIII Miscellaneous Provisions (Articles 75 through 77-2)
第九章 罰則 (第七十八条—第八十五条)
Chapter IX Penal Provisions (Articles 78 through 85)
附 則
Supplementary Provisions

## 第一章 総則

### Chapter I General Provisions

(弁理士の使命)

(Mission of Patent Attorneys)

第一条 弁理士は、知的財産（知的財産基本法（平成十四年法律第百二十二号）第二条第一項に規定する知的財産をいう。以下この条において同じ。）に関する専門家として、知的財産権（同条第二項に規定する知的財産権をいう。）の適正な保護及び利用の促進その他の知的財産に係る制度の適正な運用に寄与し、もって経済及び産業の発

展に資することを使命とする。

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.

(定義)

(Definitions)

第二条 この法律で「国際出願」とは、特許協力条約に基づく国際出願等に関する法律（昭和五十三年法律第三十号）第二条に規定する国際出願をいう。

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 この法律で「意匠に係る国際登録出願」とは、意匠法（昭和三十四年法律第二百二十五号）第六十条の三第二項に規定する国際登録出願をいう。

(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 この法律で「商標に係る国際登録出願」とは、商標法（昭和三十四年法律第二百二十七号）第六十八条の二第一項に規定する国際登録出願をいう。

(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 この法律で「回路配置」とは、半導体集積回路の回路配置に関する法律（昭和六十年法律第四十三号）第二条第二項に規定する回路配置をいう。

(4) The term "circuit layout" as used in this Act means a circuit layout as provided in Article 2, paragraph (2) of the Act on the Circuit Layouts of Semiconductor Integrated Circuits (Act No. 43 of 1985).

5 この法律で「特定不正競争」とは、不正競争防止法（平成五年法律第四十七号）第二条第一項に規定する不正競争であって、同項第一号から第十六号まで及び第十九号から第二十二号までに掲げるもの（同項第四号から第九号までに掲げるものにあつては技術上の秘密（同条第六項に規定する営業秘密のうち、技術上の情報であることをいう。以下同じ。）に関するものに限り、同条第一項第十一号から第十六号までに掲げるものにあつては技術上のデータ（同条第七項に規定する限定提供データのうち、技術上の情報であることをいう。以下同じ。）に関するものに限り、同条第一項第二十号に掲げるものにあつては商標に関するものに限り、同項第二十一号に掲げるものにあつては特許、実用新案、意匠、商標若しくは回路配置に関する権利又は技術上の

秘密若しくは技術上のデータについての虚偽の事実に関するものに限る。)をいう。

(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 この法律で「特定侵害訴訟」とは、特許、実用新案、意匠、商標若しくは回路配置に関する権利の侵害又は特定不正競争による営業上の利益の侵害に係る訴訟をいう。

(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 この法律で「弁理士法人」とは、第四条第一項の業務を行うことを目的として、この法律の定めるところにより、弁理士が設立した法人をいう。

(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).

(職責)

(Duties)

第三条 弁理士は、常に品位を保持し、業務に関する法令及び実務に精通して、公正かつ誠実にその業務を行わなければならない。

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.

(業務)

(Business)

第四条 弁理士は、他人の求めに応じ、特許、実用新案、意匠若しくは商標又は国際出

願、意匠に係る国際登録出願若しくは商標に係る国際登録出願に関する特許庁における手続及び特許、実用新案、意匠又は商標に関する行政不服審査法（平成二十六年法律第六十八号）の規定による審査請求又は裁定に関する経済産業大臣に対する手続についての代理並びにこれらの手続に係る事項に関する鑑定その他の事務を行うことを業とする。

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 弁理士は、前項に規定する業務のほか、他人の求めに応じ、次に掲げる事務を行うことを業とすることができる。

(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:

一 関税法（昭和二十九年法律第六十一号）第六十九条の三第一項及び第六十九条の十二第一項に規定する認定手続に関する税関長に対する手続並びに同法第六十九条の四第一項及び第六十九条の十三第一項の規定による申立て並びに当該申立てをした者及び当該申立てに係る貨物を輸出し、又は輸入しようとする者が行う当該申立てに関する税関長又は財務大臣に対する手続についての代理

(i) representing a person in procedures with the Director General of Customs that involves the verification procedures prescribed in Article 69-3, paragraph (1) and Article 69-12, paragraph (1) of the Customs Act (Act No. 61 of 1954); in procedures with the Director General of Customs or the Minister of Finance 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 Customs or the Minister of Finance;

二 特許、実用新案、意匠、商標、回路配置若しくは特定不正競争に関する事件又は著作物（著作権法（昭和四十五年法律第四十八号）第二条第一項第一号に規定する著作物をいう。以下同じ。）に関する権利に関する事件の裁判外紛争解決手続（裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第一条に規定する裁判外紛争解決手続をいう。以下この号において同じ。）であって、これらの事件の裁判外紛争解決手続の業務を公正かつ適確に行うことができると認

められる団体として経済産業大臣が指定するものが行うものについての代理

- (ii) representing a party 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

三 前二号に掲げる事務についての相談

- (iii) consulting about the operations set forth in the preceding two items; and

四 特許法（昭和三十四年法律第二百一十一号）第五條の二の十一第一項及び第二項（同法第六十五條第六項及び実用新案法（昭和三十四年法律第二百二十三号）第三十條において準用する場合を含む。）に規定する意見を記載した書面を提出しようとする者からの当該意見の内容（特許法及び実用新案法の適用に関するものに限る。）に関する相談

- (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 弁理士は、前二項に規定する業務のほか、弁理士の名称を用いて、他人の求めに応じ、次に掲げる事務を行うことを業とすることができる。ただし、他の法律においてその業務を行うことが制限されている事項については、この限りでない。

(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:

一 特許、実用新案、意匠、商標、回路配置若しくは著作物に関する権利若しくは技術上の秘密若しくは技術上のデータの売買契約、通常実施権の許諾に関する契約その他の契約の締結の代理若しくは媒介を行い、又はこれらに関する相談に応ずること。

- (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;

二 外国の行政官庁又はこれに準ずる機関に対する特許、実用新案、意匠、商標、植物の新品種又は地理的表示（ある商品に関し、その確立した品質、社会的評価その他の特性が当該商品の地理的原産地に主として帰せられる場合において、当該商品が特定の場所、地域又は国を原産地とするものであることを特定する表示をいう。次号において同じ。）に関する権利に関する手続（日本国内に住所又は居所（法人にあっては、営業所）を有する者が行うものに限る。）に関する資料の作成その他の事務を行うこと。

(ii) preparing materials and doing other work in connection with procedures that involve a right connected with a patent, utility model, design, trademark, new variety of plant, or geographical indication (meaning an indication that identifies a good as originating in a specific place, region, or country where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin; the same applies in the following item) with a foreign administrative authority or equivalent organization (limited to procedures undertaken by a party that has a domicile or residence (or business office, in the case of a corporation) in Japan);

三 発明、考案、意匠若しくは商標（これらに関する権利に関する手続であって既に特許庁に係属しているものに係るものを除く。）、回路配置（既に経済産業大臣に対して提出された回路配置利用権の設定登録の申請に係るものを除く。）、植物の新品種、事業活動に有用な技術上の情報（技術上の秘密及び技術上のデータを除く。）又は地理的表示の保護に関する相談に応ずること。

(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

四 特許、実用新案、意匠、商標若しくは回路配置に関する権利若しくは技術上の秘密若しくは技術上のデータの利用の機会の拡大に資する日本産業規格その他の規格の案の作成に関与し、又はこれに関する相談に応ずること。

(iv) participating in preparing a draft of Japanese Industrial Standards or other such standards that contribute 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 to the preparation of a draft of such standards.

第五条 弁理士は、特許、実用新案、意匠若しくは商標、国際出願、意匠に係る国際登録出願若しくは商標に係る国際登録出願、回路配置又は特定不正競争に関する事項について、裁判所において、補佐人として、当事者又は訴訟代理人とともに出頭し、陳述又は尋問をすることができる。

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 前項の陳述及び尋問は、当事者又は訴訟代理人が自らしたもののみならず、当事者又は訴訟代理人が同項の陳述を直ちに取り消し、又は更正したときは、この限りでない。

(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.

第六条 弁理士は、特許法第一百七十八条第一項、実用新案法第四十七条第一項、意匠法第五十九条第一項又は商標法第六十三条第一項に規定する訴訟に関して訴訟代理人となることができる。

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.

第六条の二 弁理士は、第十五条の二第一項に規定する特定侵害訴訟代理業務試験に合格し、かつ、第二十七条の三第一項の規定によりその旨の付記を受けたときは、特定侵害訴訟に関して、弁護士が同一の依頼者から受任している事件に限り、その訴訟代理人となることができる。

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 前項の規定により訴訟代理人となった弁理士が期日に出頭するときは、弁護士とともに出頭しなければならない。

(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 前項の規定にかかわらず、弁理士は、裁判所が相当と認めるときは、単独で出頭することができる。

(3) Notwithstanding the provisions of the preceding paragraph, if the court finds it appropriate, a patent attorney may appear in court alone.

(資格)

(Qualifications)

第七条 次の各号のいずれかに該当する者であって、第十六条の二第一項の実務修習を修了したものは、弁理士となる資格を有する。

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:

一 弁理士試験に合格した者

(i) a person who has passed the patent attorney examination;

二 弁護士となる資格を有する者

(ii) a person who is qualified to be an attorney at law; or

三 特許庁において審判官又は審査官として審判又は審査の事務に従事した期間が通算して七年以上になる者

(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.

(欠格事由)

(Grounds for Ineligibility)

第八条 次の各号のいずれかに該当する者は、前条の規定にかかわらず、弁理士となる資格を有しない。

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:

一 禁錮以上の刑に処せられた者

(i) a person who has been sentenced to imprisonment without work or a heavier punishment;

二 前号に該当する者を除くほか、第七十八条から第八十一条まで若しくは第八十一条の三の罪、特許法第九十六条から第九十八条まで若しくは第二百条の罪、実用新案法第五十六条から第五十八条まで若しくは第六十条の罪、意匠法第六十九条から第七十一条まで若しくは第七十三条の罪又は商標法第七十八条から第八十条まで若しくは同法附則第二十八条の罪を犯し、罰金の刑に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

(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 which the person finished serving the sentence or ceased to be subject to its execution; or

三 前二号に該当する者を除くほか、関税法第百八条の四第二項（同法第六十九条の二第一項第三号及び第四号に係る部分に限る。以下この号において同じ。）、第三項（同法第百八条の四第二項に係る部分に限る。）若しくは第五項（同法第六十九条の二第一項第三号及び第四号に係る部分に限る。）、第百九条第二項（同法第六十九条の十一第一項第九号及び第十号に係る部分に限る。以下この号において同じ。）、第三項（同法第百九条第二項に係る部分に限る。）若しくは第五項（同法第六十九条の十一第一項第九号及び第十号に係る部分に限る。）若しくは第百十二条第一項（同法第百八条の四第二項及び第百九条第二項に係る部分に限る。）の罪、著作権法第百十九条から第百二十二条までの罪、半導体集積回路の回路配置に関する法律第五十一条第一項若しくは第五十二条の罪、不正競争防止法第二十一条第一項、第二項第一号から第五号まで若しくは第七号（同法第十八条第一項に係る部分を除く。）、第三項若しくは第四項の罪、種苗法（平成十年法律第八十三号）第六十七条から第六十九条まで若しくは第七十一条の罪又は特定農林水産物等の名称の保護に関する法律（平成二十六年法律第八十四号）第三十九条若しくは第四十条の罪を犯し、罰金の刑に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から三年を経過しない者

(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 prescribed in Articles 119 through 122 of the Copyright Act, the offenses prescribed in Article 51, paragraph (1) or Article 52 of the Act on the Circuit Layouts of Semiconductor Integrated Circuits, the offenses prescribed in Article 21, paragraph (1), 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;

四 公務員で懲戒免職の処分を受け、その処分の日から三年を経過しない者

(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;

五 第二十三条第一項の規定により登録の取消しの処分を受け、その処分の日から三年を経過しない者

(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;

六 第三十二条の規定により業務の禁止の処分を受け、その処分の日から三年を経過しない者

(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;

七 弁護士法（昭和二十四年法律第二百五号）若しくは外国弁護士による法律事務の取扱いに関する特別措置法（昭和六十一年法律第六十六号）、公認会計士法（昭和二十三年法律第百三号）又は税理士法（昭和二十六年法律第二百三十七号）の規定による懲戒処分により、弁護士会からの除名、公認会計士の登録の抹消又は税理士の業務の禁止の処分を受けた者でこれらの処分の日から三年を経過しないもの

(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 Accountants 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;

八 税理士法第四十八条第一項の規定により同法第四十四条第三号に掲げる処分を受けるべきであったことについて決定を受けた者で当該決定を受けた日から三年を経過しないもの

(viii) Concerning a person who should have been subject to a disposition set forth in Article 44, item (iii) pursuant to the provisions of Article 48, paragraph (1) of the Tax Accountant Act, if a final decision to impose the disposition was made and it has not been three years since the date of the

disposition;

九 第三十二条の規定により業務の停止の処分を受け、当該業務の停止の期間中にその登録が抹消され、当該期間を経過しない者

(ix) a person who has been subject to a disposition suspending that person's engagement in business pursuant to the provisions of Article 32, and who has had their registration deleted during the term of suspension of business, if this term has not yet passed;

十 未成年者

(x) a minor; or

十一 破産手続開始の決定を受けて復権を得ない者

(xi) a person who received a decision for the commencement of bankruptcy proceedings and has not had their rights restored.

## 第二章 弁理士試験等

### Chapter II Patent Attorney Examination

(試験の目的及び方法)

(Purpose and Method of Examination)

第九条 弁理士試験は、弁理士となろうとする者に必要な学識及びその応用能力を有するかどうかを判定することをもってその目的とし、次条に定めるところによって、短答式（択一式を含む。以下同じ。）及び論文式による筆記並びに口述の方法により行う。

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.

(試験の内容)

(Examination Content)

第十条 短答式による試験は、次に掲げる科目について行う。

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

一 特許、実用新案、意匠及び商標（以下この条並びに次条第四号及び第五号において「工業所有権」という。）に関する法令

(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);

二 工業所有権に関する条約

(ii) treaties on industrial property rights; and

三 前二号に掲げるもののほか、弁理士の業務を行うのに必要な法令であつて、経済産業省令で定めるもの

(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 論文式による試験は、短答式による試験に合格した者につき、次に掲げる科目について行う。

(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:

一 工業所有権に関する法令

(i) laws and regulations relating to industrial property rights; and

二 経済産業省令で定める技術又は法律に関する科目のうち受験者のあらかじめ選択する一科目

(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 口述試験は、筆記試験に合格した者につき、工業所有権に関する法令について行う。

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

(試験の免除)

(Examination Exemption)

第十一条 次の各号のいずれかに該当する者に対しては、その申請により、それぞれ当該各号に掲げる試験を免除する。

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:

一 短答式による試験に合格した者 当該短答式による試験に係る合格発表の日から起算して二年を経過する日までにを行う短答式による試験

(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.

二 論文式による試験において、前条第二項第一号に掲げる科目について審議会等（国家行政組織法（昭和二十三年法律第二十号）第八条に規定する機関をいう。）で政令で定めるもの（以下「審議会」という。）が相当と認める成績を得た者 当該論文式による試験に係る合格発表の日から起算して二年を経過する日までに当該科目について行う論文式による試験

(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 the 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.

三 論文式による試験において、前条第二項第二号に掲げる科目について審議会が相当と認める成績を得た者 その後に当該科目について行う論文式による試験

(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 after that.

四 学校教育法（昭和二十二年法律第二十六号）に基づく大学院の課程を修了した者であつて、当該大学院において経済産業省令で定める工業所有権に関する科目の単位を修得したもの 当該課程を修了した日から起算して二年を経過する日までに前条第一項第一号及び第二号に掲げる科目について行う短答式による試験

(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 the last day in the two-year period beginning on the date of completion of the program.

五 特許庁において審判又は審査の事務に従事した期間が通算して五年以上になる者 工業所有権に関する法令及び条約について行う試験

(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.

六 前条第二項第二号の受験者が選択する科目について筆記試験に合格した者と同等以上の学識を有する者として経済産業省令で定める者 当該科目について行う論文式による試験

(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.

(試験の執行)

(Conduct of Examination)

第十二条 弁理士試験は、審議会が行う。

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

2 弁理士試験は、毎年一回以上、これを行う。

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

(合格証書)

(Certificate of Passing the Examination)

第十三条 弁理士試験に合格した者には、当該試験に合格したことを証する証書を授与する。

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

(合格の取消し等)

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

第十四条 審議会は、不正の手段によって弁理士試験を受け、又は受けようとした者に対しては、合格の決定を取り消し、又はその試験を受けることを禁止することができる。

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 審議会は、前項の規定による処分を受けた者に対し、情状により三年以内の期間を定めて弁理士試験を受けることができないものとすることができる。

(2) The council may decide that a person who has been subject to a disposition under the preceding paragraph is unable to take the patent attorney examination during a period of up to three years that the council fixes based on the circumstances.

(受験手数料)

(Examination Fee)

第十五条 弁理士試験を受けようとする者は、実費を勘案して政令で定める額の受験手数料を納付しなければならない。

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 前項の規定により納付した受験手数料は、弁理士試験を受けなかった場合においても返還しない。

(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.

(特定侵害訴訟代理業務試験)

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

第十五条の二 特定侵害訴訟代理業務試験は、特定侵害訴訟に関する訴訟代理人となるのに必要な学識及び実務能力に関する研修であつて経済産業省令で定めるものを修了した弁理士に対し、当該学識及び実務能力を有するかどうかを判定するため、論文式による筆記の方法により行う。

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 第十二条から前条までの規定は、特定侵害訴訟代理業務試験について準用する。

(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.

(試験の細目)

**(Details of Examination)**

第十六条 この法律に定めるもののほか、弁理士試験及び特定侵害訴訟代理業務試験に関し必要な事項は、経済産業省令で定める。

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.

## 第二章の二 実務修習

### Chapter II-2 Practical Training

(実務修習)

**(Practical Training)**

第十六条の二 実務修習は、第七条各号に掲げる者に対して、弁理士となるのに必要な技能及び高等の専門的応用能力を修得させるため、経済産業大臣が行う。

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 実務修習は、次に掲げるところにより、行うものとする。

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

一 毎年一回以上行うこと。

(i) it is to be conducted one or more times per year;

二 弁理士の業務に関する法令及び実務について行うこと。

(ii) it is to be conducted regarding the laws, regulations, and practices involved in practice as a patent attorney; and

三 実務修習の講師及び指導者は、弁理士であって、その実務に通算して七年以上従事した経験を有するものであること。

(iii) it is to have instructors and teachers who are patent attorneys and who have a total of at least seven years of practical experience.

(指定修習機関の指定)

(Designation of a Designated Training Agency)

第十六条の三 経済産業大臣は、その指定する者（以下「指定修習機関」という。）に、講義及び演習の実施その他の実務修習の実施に関する事務（経済産業省令で定めるものを除く。以下「実務修習事務」という。）を行わせることができる。

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 指定修習機関の指定は、経済産業省令で定めるところにより、実務修習事務を行おうとする者の申請により行う。

(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 経済産業大臣は、指定修習機関の指定をしたときは、実務修習事務を行わないものとする。

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

4 経済産業大臣は、第二項の申請が次の各号のいずれにも適合していると認めるときでなければ、指定修習機関の指定をしてはならない。

(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:

一 職員、設備、実務修習事務の実施の方法その他の事項についての実務修習事務の実施に関する計画が実務修習事務の適正かつ確実な実施のために適切なものであること。

(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;

二 前号の実務修習事務の実施に関する計画の適正かつ確実な実施に必要な経理的及び技術的な基礎を有する法人であること。

(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;

三 実務修習事務以外の業務を行っている場合には、その業務を行うことによって実務修習事務が不公正になるおそれがないこと。

(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

四 その指定をすることによって実務修習事務の適正かつ確実な実施を阻害することとならないこと。

(iv) designating the applicant would not impair the proper and reliable implementation of practical training operations.

5 経済産業大臣は、第二項の申請をした者が、次の各号のいずれかに該当するときは、指定修習機関の指定をしてはならない。

(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:

一 第十六条の十二第一項又は第二項の規定により指定を取り消され、その取消の日から二年を経過しない者であること。

(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

二 その役員のうち、この法律に規定する罪を犯し、刑に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から二年を経過しない者があること。

(ii) one of the applicant's officers 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.

(指定の公示等)

(Public Notice of Designation)

第十六条の四 経済産業大臣は、指定修習機関の指定をしたときは、指定修習機関の名称及び住所、実務修習事務を行う事務所の所在地並びに実務修習事務の開始の日を公示しなければならない。

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 指定修習機関は、その名称若しくは住所又は実務修習事務を行う事務所の所在地を変更しようとするときは、変更しようとする日の二週間前までに、その旨を経済産業大臣に届け出なければならない。

(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 経済産業大臣は、前項の規定による届出があったときは、その旨を公示しなければならない。

(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.

(秘密保持義務等)

(Duty of Confidentiality)

第十六条の五 指定修習機関の役員若しくは職員（実務修習の講師及び指導者を含む。次項において同じ。）又はこれらの職にあった者は、実務修習事務に関して知り得た秘密を漏らしてはならない。

Article 16-5 (1) It is prohibited for the officer or employee of a designated training agency (including practical training instructors and teachers; the same applies in the next paragraph) or a person that has held one of these positions, to divulge any secret learned in the course of practical training operations.

2 実務修習事務に従事する指定修習機関の役員及び職員は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) An officer or employee of a designated training agency who is engaged in practical training operations is deemed to be an employee engaging in public service pursuant to laws and regulations with respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(修習事務規程)

(Rules of Administration of Practical Training Operations)

第十六条の六 指定修習機関は、実務修習事務の開始前に、実務修習事務の実施に関する規程（以下「修習事務規程」という。）を定め、経済産業大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

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 修習事務規程で定めるべき事項は、経済産業省令で定める。

(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 経済産業大臣は、第一項の認可をした修習事務規程が実務修習事務の適正かつ確実な実施をする上で不適当なものとなったと認めるときは、指定修習機関に対し、これを変更すべきことを命ずることができる。

(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 第一項の認可の基準については、経済産業省令で定める。

(4) The standards for the approval referred to in paragraph (1) are specified by Order of the Ministry of Economy, Trade and Industry.

(事業計画等)

(Business Plans)

第十六条の七 指定修習機関は、毎事業年度、事業計画書及び収支予算書を作成し、当該事業年度の開始前に（指定を受けた日の属する事業年度にあつては、その指定を受けた後遅滞なく）、経済産業大臣に提出しなければならない。これを変更しようとするときも、同様とする。

Article 16-7 (1) Every business 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 指定修習機関は、毎事業年度、事業報告書及び収支決算書を作成し、当該事業年度の終了後三月以内に経済産業大臣に提出しなければならない。

(2) Every business 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.

(帳簿の備置き等)

(Keeping Books)

第十六条の八 指定修習機関は、経済産業省令で定めるところにより、実務修習事務に関する事項で経済産業省令で定めるものを記載した帳簿を備え置き、これを保存しな

なければならない。

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.

(監督命令)

(Supervision Orders)

第十六条の九 経済産業大臣は、実務修習事務の適正かつ確実な実施を確保するため必要があると認めるときは、指定修習機関に対し、実務修習事務に関し監督上必要な命令をすることができる。

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 an order to a designated training agency that is necessary for the supervision of its practical training operations.

(報告及び立入検査)

(Reports and On-Site Inspections)

第十六条の十 経済産業大臣は、実務修習事務の適正かつ確実な実施を確保するため必要があると認めるときは、指定修習機関に対し、実務修習事務の状況に関し報告若しくは資料の提出を求め、又は当該職員に指定修習機関の事務所に立ち入り、実務修習事務の状況若しくは帳簿その他の物件を検査させることができる。

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 employee 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 前項の規定により立入検査をしようとする職員は、その身分を示す証明書を携帯し、関係人の請求があったときは、これを提示しなければならない。

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

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

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

(実務修習事務の休廃止)

(Suspension or Discontinuation of Practical Training Operations)

第十六条の十一 指定修習機関は、経済産業大臣の許可を受けなければ、実務修習事務の全部又は一部を休止し、又は廃止してはならない。

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 経済産業大臣は、前項の許可をしたときは、その旨を公示しなければならない。

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

(指定の取消し等)

(Rescission of a Designation)

第十六条の十二 経済産業大臣は、指定修習機関が第十六条の三第五項第二号に該当するに至ったときは、その指定を取り消さなければならない。

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 経済産業大臣は、指定修習機関が次の各号のいずれかに該当するときは、その指定を取り消し、又は期間を定めて実務修習事務の全部若しくは一部の停止を命ずることができる。

(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 part of its practical training operations for a specified period of time if it falls under one of the following items:

一 第十六条の三第四項第一号から第三号までのいずれかに適合しなくなったと認められるとき。

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

二 第十六条の四第二項、第十六条の六第一項、第十六条の七、第十六条の八又は前条第一項の規定に違反したとき。

(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;

三 第十六条の六第一項の規定により認可を受けた修習事務規程によらないで実務修習事務を行ったとき。

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

四 第十六条の六第三項又は第十六条の九の規定による命令に違反したとき。

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

五 偽りその他不正の手段により指定を受けたとき。

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

3 経済産業大臣は、第一項若しくは前項の規定により指定を取り消し、又は同項の規定により実務修習事務の全部若しくは一部の停止を命じたときは、その旨を公示しな

ければならない。

- (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.

(経済産業大臣による実務修習の実施)

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

第十六条の十三 経済産業大臣は、指定修習機関が第十六条の十一第一項の規定により実務修習事務の全部若しくは一部を休止したとき、前条第二項の規定により指定修習機関に対し実務修習事務の全部若しくは一部の停止を命じたとき、又は指定修習機関が天災その他の事由により実務修習事務の全部若しくは一部を実施することが困難となった場合において必要があると認めるときは、第十六条の三第三項の規定にかかわらず、実務修習事務の全部又は一部を自ら行うものとする。

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 Minister finds it to be necessary to personally conduct the whole or part of practical training operations.

2 経済産業大臣は、前項の規定により実務修習事務を行うこととし、又は同項の規定により行っている実務修習事務を行わないこととするときは、あらかじめその旨を公示しなければならない。

(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 経済産業大臣が、第一項の規定により実務修習事務を行うこととし、第十六条の十一第一項の規定により実務修習事務の廃止を許可し、又は前条第一項若しくは第二項の規定により指定を取り消した場合における実務修習事務の引継ぎその他の必要な事項は、経済産業省令で定める。

(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.

(手数料)

(Fees)

第十六条の十四 実務修習を受けようとする者は、次項に規定する場合を除き、実費を勘案して政令で定める額の手数料を国に納付しなければならない。

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 指定修習機関が実務修習事務を行う場合において、実務修習を受けようとする者は、政令で定めるところにより指定修習機関が経済産業大臣の認可を受けて定める額の手数料を当該指定修習機関に納付しなければならない。

(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 前項の規定により指定修習機関に納付された手数料は、当該指定修習機関の収入とする。

(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.

(実務修習の細目)

(Details of Practical Training)

第十六条の十五 この法律に定めるもののほか、実務修習に関し必要な事項は、経済産業省令で定める。

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.

### 第三章 登録

#### Chapter III Registration

(登録)

(Registration)

第十七条 弁理士となる資格を有する者が、弁理士となるには、日本弁理士会に備える弁理士登録簿に、氏名、生年月日、事務所の所在地その他経済産業省令で定める事項の登録を受けなければならない。

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 attorney register that is kept at the Japan Patent Attorneys Association.

2 弁理士登録簿の登録は、日本弁理士会が行う。

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

(登録の申請)

(Application for Registration)

第十八条 前条第一項の登録を受けようとする者は、日本弁理士会に登録申請書を提出しなければならない。

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 前項の登録申請書には、氏名、生年月日、事務所の所在地その他経済産業省令で定める事項を記載し、弁理士となる資格を有することを証する書類を添付しなければならない。

(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 documents certifying that the applicant is qualified to become a patent attorney.

(登録の拒否)

(Refusal of Registration)

第十九条 日本弁理士会は、前条第一項の規定による登録の申請をした者が弁理士となる資格を有せず、又は次の各号のいずれかに該当すると認めるときは、その登録を拒否しなければならない。この場合において、当該申請者が次の各号のいずれかに該当することを理由にその登録を拒否しようとするときは、第七十条に規定する登録審査会の議決に基づいてしなければならない。

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 Attorneys Association seeks to refuse the registration, it must do so based on a resolution of the Registration Screening Board under Article 70:

一 心身の故障により弁理士の業務を行わせることがその適正を欠くおそれがあるとき。

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

二 弁理士の信用を害するおそれがあるとき。

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

2 日本弁理士会は、当該申請者が前項各号に該当することを理由にその登録を拒否しようとするときは、あらかじめ、当該申請者にその旨を通知して、相当の期間内に自ら又はその代理人を通じて弁明する機会を与えなければならない。

(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.

(登録に関する通知)

(Notice Relating to Registration)

第二十条 日本弁理士会は、第十八条第一項の規定による登録の申請を受けた場合において、登録をしたとき、又は登録を拒否したときは、その旨を当該申請者に書面により通知しなければならない。

Article 20 If the Japan Patent Attorneys Association 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.

(登録を拒否された場合の行政不服審査法の規定による審査請求)

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

第二十一条 第十九条第一項の規定により登録を拒否された者は、当該処分に不服があるときは、経済産業大臣に対して行政不服審査法の規定による審査請求をすることができる。

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 第十八条第一項の規定による登録の申請をした者は、その申請の日から三月を経過しても当該申請に対して何らの処分がされないときは、当該登録を拒否されたものと

して、経済産業大臣に対して前項の審査請求をすることができる。

(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 前二項の場合において、経済産業大臣は、行政不服審査法第二十五条第二項及び第三項並びに第四十六条第二項の規定の適用については、日本弁理士会の上級行政庁とみなす。

(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.

(登録事項の変更の届出)

(Notification of Changes to Registered Information)

第二十二条 弁理士は、弁理士登録簿に登録を受けた事項に変更が生じたときは、遅滞なく、日本弁理士会にその旨を届け出なければならない。

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

(登録の取消し)

(Rescission of Registrations)

第二十三条 日本弁理士会は、弁理士の登録を受けた者が、偽りその他不正の手段により当該登録を受けたことが判明したときは、当該登録を取り消さなければならない。

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

2 日本弁理士会は、前項の規定により登録を取り消したときは、その旨を当該処分を受ける者に書面により通知しなければならない。

(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 第十九条第一項後段並びに第二十一条第一項及び第三項の規定は、第一項の登録の取消しについて準用する。この場合において、同条第三項中「第四十六条第二項」とあるのは、「第四十六条第一項」と読み替えるものとする。

(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)".

(登録の抹消)

(Deletion of Registrations)

第二十四条 弁理士が次の各号のいずれかに該当する場合には、日本弁理士会は、その登録を抹消しなければならない。

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:

一 その業務を廃止したとき。

(i) if the patent attorney has stopped practicing;

二 死亡したとき。

(ii) if the patent attorney has died;

三 第八条各号（第五号を除く。）のいずれかに該当するに至ったとき。

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

四 前条第一項の規定による登録の取消しの処分を受けたとき。

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

五 第六十一条の規定による退会の処分を受けたとき。

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

2 弁理士が前項第一号から第三号までの規定のいずれかに該当することとなったときは、その者又はその法定代理人若しくは相続人は、遅滞なく、日本弁理士会にその旨を届け出なければならない。

(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 legal representative or heir of that patent attorney must notify the Japan Patent Attorneys Association of this without delay.

3 日本弁理士会は、第一項第一号、第三号又は第五号の規定により登録を抹消したときは、その旨を当該弁理士に書面により通知しなければならない。

(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.

第二十五条 弁理士が心身の故障により弁理士の業務を行わせることがその適正を欠くおそれがあるときは、日本弁理士会は、その登録を抹消することができる。

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 第十九条第一項後段及び前条第三項の規定は、前項の規定による登録の抹消について準用する。

(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.

(登録拒否に関する規定の準用)

(Application Mutatis Mutandis of Provisions Regarding Refusal of Registrations)

第二十六条 第二十一条第一項及び第三項の規定は、第二十四条第一項第一号、第三号若しくは第五号又は前条第一項の規定による登録の抹消について準用する。この場合において、第二十一条第三項中「第四十六条第二項」とあるのは、「第四十六条第一項」と読み替えるものとする。

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)".

(登録及び登録の抹消の公告)

(Public Notice of Registration and Deletion of Registration)

第二十七条 日本弁理士会は、弁理士の登録をしたとき、及びその登録の抹消をしたときは、遅滞なく、その旨を官報をもって公告しなければならない。

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.

(特定侵害訴訟代理業務の付記の申請)

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

第二十七条の二 弁理士は、その登録に第十五条の二第一項に規定する特定侵害訴訟代理業務試験に合格した旨の付記（以下「特定侵害訴訟代理業務の付記」という。）を受けようとするときは、日本弁理士会に付記申請書を提出しなければならない。

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 前項の付記申請書には、氏名その他経済産業省令で定める事項を記載し、特定侵害訴訟代理業務試験に合格したことを証する証書を添付しなければならない。

(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.

(特定侵害訴訟代理業務の付記)

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

第二十七条の三 日本弁理士会は、前条の規定による申請を受けたときは、速やかに、当該弁理士の登録に特定侵害訴訟代理業務の付記をしなければならない。

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 第二十条の規定は、前項の規定による付記をした場合について準用する。

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

(特定侵害訴訟代理業務の付記の抹消)

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

第二十七条の四 日本弁理士会は、特定侵害訴訟代理業務の付記を受けた者が、偽りその他不正の手段により当該付記を受けたことが判明したときは、当該付記を抹消しなければならない。

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 第二十三条第二項の規定は、前項の規定による付記の抹消について準用する。

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

(特定侵害訴訟代理業務の付記等の公告)

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

第二十七条の五 第二十七条の規定は、特定侵害訴訟代理業務の付記及びその付記の抹消について準用する。

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.

(登録の細目)

(Details of Registration)

第二十八条 この法律に定めるもののほか、弁理士の登録に関して必要な事項は、経済産業省令で定める。

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.

#### 第四章 弁理士の義務

#### Chapter IV Duties of Patent Attorneys

(信用失墜行為の禁止)

(Prohibition of Conduct Damaging to Credibility)

第二十九条 弁理士は、弁理士の信用又は品位を害するような行為をしてはならない。

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

(秘密を守る義務)

(Duty of Confidentiality)

第三十条 弁理士又は弁理士であった者は、正当な理由がなく、その業務上取り扱ったことについて知り得た秘密を漏らし、又は盗用してはならない。

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.

(業務を行って得ない事件)

(Cases Not to Be Undertaken)

第三十一条 弁理士は、次の各号のいずれかに該当する事件については、その業務を行ってはならない。ただし、第三号に該当する事件については、受任している事件の依頼者が同意した場合は、この限りでない。

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

一 相手方の協議を受けて賛助し、又はその依頼を承諾した事件

(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;
- 二 相手方の協議を受けた事件で、その協議の程度及び方法が信頼関係に基づくと認められるもの
- (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;
- 三 受任している事件の相手方からの依頼による他の事件
- (iii) a different case that the adverse party to a case that the patent attorney has already accepted asks the patent attorney to take;
- 四 公務員として職務上取り扱った事件
- (iv) a case that the patent attorney has handled as a government employee in the course of duty;
- 五 仲裁手続により仲裁人として取り扱った事件
- (v) a case that the patent attorney has handled as an arbitrator in an arbitration proceeding;
- 六 社員又は使用人である弁理士として弁理士法人の業務に従事していた期間内に、その弁理士法人が相手方の協議を受けて賛助し、又はその依頼を承諾した事件であって、自らこれに関与したもの
- (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; or that the patent attorney personally became involved in; or
- 七 社員又は使用人である弁理士として弁理士法人の業務に従事していた期間内に、その弁理士法人が相手方の協議を受けた事件で、その協議の程度及び方法が信頼関係に基づくと認められるものであって、自らこれに関与したもの
- (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.

(研修)

(Training)

第三十一条の二 弁理士は、経済産業省令で定めるところにより、日本弁理士会が行う資質の向上を図るための研修を受けなければならない。

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.

(非弁理士に対する名義貸しの禁止)

(Prohibition of Lending Name to Non-Patent Attorneys)

第三十一条の三 弁理士は、第七十五条又は第七十六条の規定に違反する者に自己の名義を利用させてはならない。

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.

## 第五章 弁理士の責任

### Chapter V Liabilities of Patent Attorneys

(懲戒の種類)

(Types of Disciplinary Action)

第三十二条 弁理士がこの法律若しくはこの法律に基づく命令に違反したとき、又は弁理士たるにふさわしくない重大な非行があったときは、経済産業大臣は、次に掲げる処分をすることができる。

Article 32 If a patent attorney violates this Act or an order based on that, 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:

一 戒告

(i) admonition;

二 二年以内の業務の全部又は一部の停止

(ii) suspension of the whole or part of the patent attorney's practice for not more than two years; or

三 業務の禁止

(iii) prohibition of practice.

(懲戒の手続)

(Disciplinary Proceedings)

第三十三条 何人も、弁理士に前条に該当する事実があると思料するときは、経済産業大臣に対し、その事実を報告し、適当な措置をとるべきことを求めることができる。

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 前項に規定する報告があったときは、経済産業大臣は、事件について必要な調査をしなければならない。

(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 経済産業大臣は、弁理士に前条に該当する事実があると思料するときは、職権をもって、必要な調査をすることができる。

(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 経済産業大臣は、前条の規定により戒告又は二年以内の業務の停止の処分をしようとするときは、行政手続法（平成五年法律第八十八号）第十三条第一項の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

(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 前条の規定による懲戒の処分は、聴聞を行った後、相当な証拠により同条に該当する事実があると認めた場合において、審議会の意見を聴いて行う。

(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.

（調査のための権限）

(Authority to Investigate)

第三十四条 経済産業大臣は、前条第二項（第六十九条第二項において準用する場合を含む。）又は第三項の規定により事件について必要な調査をするため、当該弁理士に対し、その業務に関し必要な報告を命じ、又は帳簿書類その他の物件の提出を命ずることができる。

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.

（登録抹消の制限）

(Restrictions on the Deletion of Registrations)

第三十五条 日本弁理士会は、弁理士が懲戒の手続に付された場合においては、その手続が終了するまでは、第二十四条第一項第一号若しくは第五号又は第二十五条第一項

の規定による当該弁理士の登録の抹消をすることができない。

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.

(懲戒処分公告)

(Public Notice of Disciplinary Disposition)

第三十六条 経済産業大臣は、第三十二条の規定により懲戒の処分をしたときは、その旨を官報をもって公告しなければならない。

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.

## 第六章 弁理士法人

### Chapter VI Patent Attorney Corporations

(設立等)

(Incorporation)

第三十七条 弁理士は、この章の定めるところにより、弁理士法人を設立することができる。

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

2 第一条及び第三条の規定は、弁理士法人について準用する。

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

(名称)

(Name)

第三十八条 弁理士法人は、その名称中に弁理士法人という文字を使用しなければならない。

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

(社員の資格)

(Qualifications of Members)

第三十九条 弁理士法人の社員は、弁理士でなければならない。

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

2 次に掲げる者は、社員となることができない。

(2) The following persons may not become members:

一 第三十二条の規定により業務の停止の処分を受け、当該業務の停止の期間を経過しない者

(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

二 第五十四条の規定により弁理士法人が解散又は業務の停止を命ぜられた場合において、その処分の日以前三十日以内にその社員であった者でその処分の日から三年（業務の停止を命ぜられた場合にあっては、当該業務の停止の期間）を経過しないもの

(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).

(業務の範囲)

(Scope of Business)

第四十条 弁理士法人は、第四条第一項の業務を行うほか、定款で定めるところにより、同条第二項及び第三項の業務の全部又は一部を行うことができる。

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

第四十一条 前条に規定するもののほか、弁理士法人は、第五条から第六条の二までの規定により弁理士が処理することができる事務を当該弁理士法人の社員又は使用人である弁理士（第六条の二に規定する事務に関しては、特定侵害訴訟代理業務の付記を受けた弁理士に限る。以下「社員等」という。）に行わせる事務の委託を受けることができる。この場合において、当該弁理士法人は、委託者に、当該弁理士法人の社員等のうちからその補佐人又は訴訟代理人を選任させなければならない。

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

members or employees of the patent attorney corporation.

(登記)

(Registration)

第四十二条 弁理士法人は、政令で定めるところにより、登記をしなければならない。

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

2 前項の規定により登記しなければならない事項は、登記の後でなければ、これをもって第三者に対抗することができない。

(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.

(設立の手續)

(Procedures of Incorporation)

第四十三条 弁理士法人を設立するには、その社員になろうとする弁理士が、定款を定めなければならない。

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

2 定款には、少なくとも次に掲げる事項を記載しなければならない。

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

一 目的

(i) purpose;

二 名称

(ii) name;

三 事務所の所在地

(iii) locality of the office;

四 社員の氏名及び住所

(iv) names and addresses of members;

五 社員の出資に関する事項

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

六 業務の執行に関する事項

(vi) particulars related to conduct of business.

3 会社法（平成十七年法律第八十六号）第三十条第一項の規定は、弁理士法人の定款について準用する。

(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.

(成立の時期)

(Timing of Establishment)

第四十四条 弁理士法人は、その主たる事務所の所在地において設立の登記をすることによって成立する。

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

(成立の届出)

(Filing Notification of Establishment)

第四十五条 弁理士法人は、成立したときは、成立の日から二週間以内に、登記事項証明書及び定款を添えて、その旨を経済産業大臣に届け出なければならない。

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.

(業務を執行する権限)

(Authority to Conduct Business)

第四十六条 弁理士法人の社員は、全て業務を執行する権利を有し、義務を負う。

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

(定款の変更)

(Changing the Articles of Incorporation)

第四十七条 弁理士法人は、定款に別段の定めがある場合を除き、総社員の同意によって、定款の変更をすることができる。

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 弁理士法人は、定款を変更したときは、変更の日から二週間以内に、変更に係る事項を経済産業大臣に届け出なければならない。

(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.

(法人の代表)

(Corporate Representatives)

第四十七条の二 弁理士法人の社員は、各自弁理士法人を代表する。

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

2 前項の規定は、定款又は総社員の同意によって、社員のうち特に弁理士法人を代表すべき社員を定めることを妨げない。

(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 弁理士法人を代表する社員は、弁理士法人の業務に関する一切の裁判上又は裁判外の行為をする権限を有する。

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

4 前項の権限に加えた制限は、善意の第三者に対抗することができない。

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

5 弁理士法人を代表する社員は、定款によって禁止されていないときに限り、特定の行為の代理を他人に委任することができる。

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

(指定社員)

(Designated Members)

第四十七条の三 弁理士法人は、特定の事件について、一人又は数人の業務を担当する社員を指定することができる。

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 前項の規定による指定がされた事件（以下「指定事件」という。）については、指定を受けた社員（以下「指定社員」という。）のみが業務を執行する権利を有し、義務を負う。

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

3 指定事件については、前条の規定にかかわらず、指定社員のみが弁理士法人を代表する。

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

4 弁理士法人は、第一項の規定による指定をしたときは、指定事件の依頼者に対し、その旨を書面により通知しなければならない。

(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 依頼者は、その依頼に係る事件について、弁理士法人に対して、相当の期間を定め、その期間内に第一項の規定による指定をするかどうかを明らかにすることを求めるこ

とができる。この場合において、弁理士法人が、その期間内に前項の規定による通知をしないときは、弁理士法人はその後において、指定をすることができない。ただし、依頼者の同意を得て指定をすることを妨げない。

(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 指定事件について、当該事件に係る業務の終了前に指定社員が欠けたときは、弁理士法人は、新たな指定をしなければならない。その指定がされなかったときは、全社員を指定したものとみなす。

(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 社員が一人の弁理士法人が、事件の依頼を受けたときは、その社員を指定したものとみなす。

(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.

(社員の責任)

(Liability of Members)

第四十七条の四 弁理士法人の財産をもってその債務を完済することができないときは、各社員は、連帯してその弁済の責めに任ずる。

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 弁理士法人の財産に対する強制執行がその効を奏しなかったときも、前項と同様とする。

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

3 前項の規定は、社員が弁理士法人に資力があり、かつ、執行が容易であることを証明したときは、適用しない。

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

4 前条第一項の規定による指定がされ、同条第四項の規定による通知がされている場合（同条第六項の規定により指定したものとみなされる場合を含む。次項及び第六項

において同じ。)において、指定事件に関し依頼者に対して負担することとなった弁理士法人の債務をその弁理士法人の財産をもって完済することができないときは、第一項の規定にかかわらず、指定社員（指定社員であった者を含む。以下この条において同じ。）が、連帯してその弁済の責めに任ずる。ただし、脱退した指定社員が脱退後の事由により生じた債務であることを証明した場合は、この限りでない。

(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 cases where it is deemed to have made a designation pursuant to the provisions of paragraph (6) of that Article; the same applies in the following paragraph and paragraph (6)), and the obligations that a patent attorney corporation has borne for its client in connection with a designated case cannot be fully 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 前条第一項の規定による指定がされ、同条第四項の規定による通知がされている場合において、指定事件に関し依頼者に生じた債権に基づく弁理士法人の財産に対する強制執行がその効を奏しなかったときは、指定社員が、弁理士法人に資力があり、かつ、執行が容易であることを証明した場合を除き、前項と同様とする。

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

6 前条第一項の規定による指定がされ、同条第四項の規定による通知がされている場合において、指定を受けていない社員が指定の前後を問わず指定事件に係る業務に関与したときは、当該社員は、その関与に当たり注意を怠らなかつたことを証明した場合を除き、指定社員が前二項の規定により負う責任と同一の責任を負う。弁理士法人を脱退した後も同様とする。

(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 the member has withdrawn from the patent attorney corporation.

7 会社法第六百十二条の規定は、弁理士法人の社員の脱退について準用する。ただし、第四項の場合において、指定事件に関し依頼者に対して負担することとなった弁理士法人の債務については、この限りでない。

(7) The provisions of Article 612 of the Companies Act apply mutatis mutandis to the withdrawal of a member of a patent attorney corporation; provided, however, that 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).

(社員であると誤認させる行為をした者の責任)

(Liability for Acts Mistaken as the Acts of Members)

第四十七条の五 社員でない者が自己を社員であると誤認させる行為をしたときは、当該社員でない者は、その誤認に基づいて弁理士法人と取引をした者に対し、社員と同一の責任を負う。

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.

(特定の事件についての業務の制限)

(Restrictions on Working on Specific Cases)

第四十八条 弁理士法人は、次の各号のいずれかに該当する事件については、その業務を行ってはならない。ただし、第三号に規定する事件については、受任している事件の依頼者が同意した場合は、この限りでない。

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:

一 相手方の協議を受けて賛助し、又はその依頼を承諾した事件

(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;

二 相手方の協議を受けた事件で、その協議の程度及び方法が信頼関係に基づくと思われるもの

(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;

三 受任している事件の相手方からの依頼による他の事件

(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  
四 第三項各号に掲げる事件として弁理士法人の社員の半数以上の者が関与してはならない事件

(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 弁理士法人の社員等は、前項各号に掲げる事件については、自己又は第三者のためにその業務を行ってはならない。

(2) A member or employee 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 弁理士法人の社員等は、当該弁理士法人が行う業務であって、次の各号のいずれかに該当する事件に係るものには関与してはならない。

(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:

一 社員等が当該弁理士法人の社員等となる前に相手方の協議を受けて賛助し、又はその依頼を承諾した事件

(i) a case about which, before a 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;

二 社員等が当該弁理士法人の社員等となる前に相手方の協議を受けた事件で、その協議の程度及び方法が信頼関係に基づくものと認められるもの

(ii) a case about which, before a 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;

三 社員等が公務員として職務上取り扱った事件

(iii) a case that the member or employee has handled as a government employee in the course of duty;

四 社員等が仲裁手続により仲裁人として取り扱った事件

(iv) a case that a member or employee has handled as an arbitrator in an arbitration proceeding;

五 社員等が当該弁理士法人の社員等となる前に他の弁理士法人の社員等としてその業務に従事していた期間内に、その弁理士法人が相手方の協議を受けて賛助し、又はその依頼を承諾した事件であって、自らこれに関与したもの

(v) a case about which, during the time that a 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

六 社員等が当該弁理士法人の社員等となる前に他の弁理士法人の社員等としてその業務に従事していた期間内に、その弁理士法人が相手方の協議を受けた事件で、その協議の程度及び方法が信頼関係に基づくと認められるものであって、自らこれに関与したもの

(vi) a case about which, during the time that a 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.

(業務の執行方法)

(Manner in Conduct of Business)

第四十九条 弁理士法人は、弁理士でない者にその業務を行わせてはならない。

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

(弁理士の義務に関する規定の準用)

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

第五十条 第二十九条及び第三十一条の三の規定は、弁理士法人について準用する。

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

(法定脱退)

(Statutory Withdrawal)

第五十一条 弁理士法人の社員は、次に掲げる理由によって脱退する。

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

一 弁理士の登録の抹消

(i) deletion of the person's registration as a patent attorney;

二 定款に定める理由の発生

(ii) a reason provided for in the articles of incorporation;

三 総社員の同意

(iii) the consent of all members; or

四 除名

(iv) expulsion.

(解散)

(Dissolution)

第五十二条 弁理士法人は、次に掲げる理由によって解散する。

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

一 定款に定める理由の発生

(i) a reason provided for in the articles of incorporation;

二 総社員の同意

(ii) the consent of all members;

三 他の弁理士法人との合併

(iii) a merger with another patent attorney corporation;

四 破産手続開始の決定

(iv) an order commencing bankruptcy proceedings;

五 解散を命ずる裁判

(v) judicial decision ordering its dissolution;

六 第五十四条の規定による解散の命令

(vi) an order of dissolution under the provisions of Article 54; or

七 社員の欠亡

(vii) unavailability or death of its members.

2 弁理士法人は、前項第三号及び第六号の事由以外の事由により解散したときは、解散の日から二週間以内に、その旨を経済産業大臣に届け出なければならない。

(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.

(弁理士法人の継続)

(Continuing the Existence of a Patent Attorney Corporation)

第五十二条の二 弁理士法人の清算人は、社員の死亡により前条第一項第七号に該当するに至った場合に限り、当該社員の相続人（第五十五条第二項において準用する会社法第六百七十五条において準用する同法第六百八条第五項の規定により社員の権利を行使する者が定められている場合には、その者）の同意を得て、新たに社員を加入させて弁理士法人を継続することができる。

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.

(裁判所による監督)

(Court Supervision)

第五十二条の三 弁理士法人の解散及び清算は、裁判所の監督に属する。

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

2 裁判所は、職権で、いつでも前項の監督に必要な検査をすることができる。

(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 弁理士法人の解散及び清算を監督する裁判所は、経済産業大臣に対し、意見を求め、又は調査を囑託することができる。

(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 経済産業大臣は、前項に規定する裁判所に対し、意見を述べることができる。

(4) The Minister of Economy, Trade and Industry may express opinions to the court as prescribed in the preceding paragraph.

(清算終了の届出)

(Notification of Completion of Liquidation)

第五十二条の四 清算が終了したときは、清算人は、その旨を経済産業大臣に届け出なければならない。

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.

(解散及び清算の監督に関する事件の管轄)

(Jurisdiction of Cases Involving Supervision of Dissolution and Liquidation)

第五十二条の五 弁理士法人の解散及び清算の監督に関する事件は、その主たる事務所の所在地を管轄する地方裁判所の管轄に属する。

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.

(検査役を選任)

(Appointment of Inspectors)

第五十二条の六 裁判所は、弁理士法人の解散及び清算の監督に必要な調査をさせるため、検査役を選任することができる。

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 前項の検査役の選任の裁判に対しては、不服を申し立てることができない。

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

3 裁判所は、第一項の検査役を選任した場合には、弁理士法人が当該検査役に対して支払う報酬の額を定めることができる。この場合においては、裁判所は、当該弁理士法人及び検査役の陳述を聴かなければならない。

(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.

(合併)

(Mergers)

第五十三条 弁理士法人は、総社員の同意があるときは、他の弁理士法人と合併することができる。

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

2 合併は、合併後存続する弁理士法人又は合併により設立する弁理士法人が、その主たる事務所の所在地において登記することによって、その効力を生ずる。

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

3 弁理士法人は、合併したときは、合併の日から二週間以内に、登記事項証明書（合併により設立する弁理士法人にあっては、登記事項証明書及び定款）を添えて、その旨を経済産業大臣に届け出なければならない。

(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 合併後存続する弁理士法人又は合併により設立する弁理士法人は、当該合併により消滅する弁理士法人の権利義務を承継する。

(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.

(債権者の異議等)

(Objection by Creditors)

第五十三条の二 合併をする弁理士法人の債権者は、当該弁理士法人に対し、合併について異議を述べることができる。

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

2 合併をする弁理士法人は、次に掲げる事項を官報に公告し、かつ、知っている債権者には、各別にこれを催告しなければならない。ただし、第三号の期間は、一月を下ることができない。

(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:

一 合併をする旨

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

二 合併により消滅する弁理士法人及び合併後存続する弁理士法人又は合併により設立する弁理士法人の名称及び主たる事務所の所在地

(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

三 債権者が一定の期間内に異議を述べる旨

(iii) the fact that creditors may raise objections within a fixed period of time.

3 前項の規定にかかわらず、合併をする弁理士法人が同項の規定による公告を、官報のほか、第六項において準用する会社法第九百三十九条第一項の規定による定款の定めに従い、同項第二号又は第三号に掲げる方法によりするとき、前項の規定による各別の催告は、することを要しない。

(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 債権者が第二項第三号の期間内に異議を述べなかつたときは、当該債権者は、当該合併について承認をしたものとみなす。

(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 債権者が第二項第三号の期間内に異議を述べたときは、合併をする弁理士法人は、当該債権者に対し、弁済し、若しくは相当の担保を提供し、又は当該債権者に弁済を受けさせることを目的として信託会社等（信託会社及び信託業務を営む金融機関（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第一条第一項の認可を受けた金融機関をいう。）をいう。）に相当の財産を信託しなければなら

い。ただし、当該合併をしても当該債権者を害するおそれがないときは、この限りでない。

(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 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 会社法第九百三十九条第一項（第二号及び第三号に係る部分に限る。）及び第三項、第九百四十条第一項（第三号に係る部分に限る。）及び第三項、第九百四十一条、第九百四十六条、第九百四十七条、第九百五十一条第二項、第九百五十三条並びに第九百五十五条の規定は、弁理士法人が第二項の規定による公告をする場合について準用する。この場合において、同法第九百三十九条第一項及び第三項中「公告方法」とあるのは「合併の公告の方法」と、同法第九百四十六条第三項中「商号」とあるのは「名称」と読み替えるものとする。

(6) The provisions of paragraph (1) (limited to the part pertaining to items (ii) and (iii)) and paragraph (3) of Article 939, paragraph (1) (limited to the part pertaining to item (iii)) and paragraph (3) of Article 940, Articles 941, 946, and 947, Article 951, paragraph (2), Articles 953 and 955 of the Companies Act apply mutatis mutandis if a patent attorney corporation issues a public notice under the provisions of paragraph (2). In 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".

（合併の無効の訴え）

(Action to Invalidate a Merger)

第五十三条の三 会社法第八百二十八条第一項（第七号及び第八号に係る部分に限る。）及び第二項（第七号及び第八号に係る部分に限る。）、第八百三十四条（第七号及び第八号に係る部分に限る。）、第八百三十五条第一項、第八百三十六條第二項及び第三項、第八百三十七条から第八百三十九条まで、第八百四十三条（第一項第三号及び第四号並びに第二項ただし書を除く。）並びに第八百四十六条の規定は弁理士法人の合併の無効の訴えについて、同法第八百六十八条第六項、第八百七十条第二項（第六号に係る部分に限る。）、第八百七十条の二、第八百七十一条本文、第八百七十二條（第五号に係る部分に限る。）、第八百七十二條の二、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定はこの条において準用する同法第八百四十



三条第四項の申立てについて、それぞれ準用する。

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 to 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.

(違法行為等についての処分)

(Dispositions Undertaken Regarding Illegal Acts)

第五十四条 経済産業大臣は、弁理士法人がこの法律若しくはこの法律に基づく命令に違反し、又は運営が著しく不当と認められるときは、その弁理士法人に対し、戒告し、若しくは二年以内の期間を定めて業務の全部若しくは一部の停止を命じ、又は解散を命ずることができる。

Article 54 (1) If a patent attorney corporation violates this Act or an order based on that, 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 第三十三条、第三十四条及び第三十六条の規定は、前項の処分について準用する。

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

3 第一項の規定は、同項の規定により弁理士法人を処分する場合において、当該弁理士法人の社員等につき第三十二条に該当する事実があるときは、その社員等である弁理士に対し、懲戒の処分を併せて行うことを妨げるものと解してはならない。

(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 attorney that is a member or employee of that patent attorney corporation.

(一般社団法人及び一般財団法人に関する法律及び会社法の準用等)

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

and General Incorporated Foundations and the Companies Act)

第五十五条 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第四条並びに会社法第六百条、第六百十四條から第六百十九條まで、第六百二十一条及び第六百二十二條の規定は弁理士法人について、同法第五百八十一条、第五百八十二条、第五百八十五条第一項及び第四項、第五百八十六条、第五百九十三条から第五百九十六条まで、第六百一条、第六百五条、第六百六条、第六百九条第一項及び第二項、第六百十一条（第一項ただし書を除く。）並びに第六百十三條の規定は弁理士法人の社員について、同法第八百五十九條から第八百六十二條までの規定は弁理士法人の社員の除名並びに業務を執行する権利及び代表権の消滅の訴えについて、それぞれ準用する。この場合において、同法第六百十三條中「商号」とあるのは「名称」と、同法第六百十五條第一項、第六百十七條第一項及び第二項並びに第六百十八條第一項第二号中「法務省令」とあるのは「経済産業省令」と、同法第六百十七條第三項中「電磁的記録」とあるのは「電磁的記録（弁理士法第七十五条に規定する電磁的記録をいう。次条第一項第二号において同じ。）」と読み替えるものとする。

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 and 582, Article 585, paragraphs (1) and (4), Articles 586, 593 through 596, 601, 605, and 606, Article 609, paragraphs (1) and (2), Article 611 (except for the proviso to paragraph (1)) and Article 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 conduct the relevant business and the authority to act as representative of a patent attorney corporation. 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 Article 615, paragraph (1), Article 617, paragraphs (1) and (2), and Article 618, paragraph (1), item (ii) of the Companies Act is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry", and the phrase "electronic or magnetic record" in Article 617, paragraph (3) of the Companies Act is deemed to be replaced with "electronic or magnetic record (meaning an electronic or magnetic record as prescribed in Article 75 of the Patent Attorneys Act; the same applies in paragraph (1), item (ii) of the following Article)".

2 会社法第六百四十四條（第三号を除く。）、第六百四十五條から第六百四十九條まで、第六百五十條第一項及び第二項、第六百五十一條第一項及び第二項（同法第五百九十四條の準用に係る部分を除く。）、第六百五十二條、第六百五十三條、第六百五十五條から第六百五十九條まで、第六百六十二條から第六百六十四條まで、第六百六十六條から第六百七十三條まで、第六百七十五條、第八百六十三條、第八百六十四條、第八百六十八條第一項、第八百六十九條、第八百七十条第一項（第一号及び第二号に

係る部分に限る。)、第八百七十一条、第八百七十二条(第四号に係る部分に限る。)、第八百七十四条(第一号及び第四号に係る部分に限る。)、第八百七十五条並びに第八百七十六条の規定は、弁理士法人の解散及び清算について準用する。この場合において、同法第六百四十四条第一号中「第六百四十一条第五号」とあるのは「弁理士法第五十二条第一項第三号」と、同法第六百四十七条第三項中「第六百四十一条第四号又は第七号」とあるのは「弁理士法第五十二条第一項第五号から第七号まで」と、同法第六百五十八条第一項及び第六百六十九条中「法務省令」とあるのは「経済産業省令」と、同法第六百六十八条第一項及び第六百六十九条中「第六百四十一条第一号から第三号まで」とあるのは「弁理士法第五十二条第一項第一号又は第二号」と、同法第六百七十条第三項中「第九百三十九条第一項」とあるのは「弁理士法第五十三条の二第六項において準用する第九百三十九条第一項」と、同法第六百七十三条第一項中「第五百八十条」とあるのは「弁理士法第四十七条の四」と読み替えるものとする。

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

3 会社法第八百二十四条、第八百二十六条、第八百六十八条第一項、第八百七十条第一項(第十号に係る部分に限る。)、第八百七十一条本文、第八百七十二条(第四号に係る部分に限る。)、第八百七十三条本文、第八百七十五条、第八百七十六条、第

九百四条及び第九百三十七条第一項（第三号ロに係る部分に限る。）の規定は弁理士法人の解散の命令について、同法第八百二十五条、第八百六十八条第一項、第八百七十条第一項（第一号に係る部分に限る。）、第八百七十一条、第八百七十二条（第一号及び第四号に係る部分に限る。）、第八百七十三条、第八百七十四条（第二号及び第三号に係る部分に限る。）、第八百七十五条、第八百七十六条、第九百五条及び第九百六条の規定はこの項において準用する同法第八百二十四条第一項の申立てがあった場合における弁理士法人の財産の保全について、それぞれ準用する。

(3) The provisions of Articles 824 and 826, Article 868, paragraph (1), Article 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, and 904, and Article 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 Article 825, Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part pertaining to item (i)), Articles 871 and 872 (limited to the part pertaining to items (i) and (iv)), Articles 873 and 874 (limited to the part pertaining to items (ii) and (iii)), Articles 875, 876, 905, and 906 of that Act apply mutatis mutandis to the preservation of assets of a patent attorney corporation if a petition set forth in Article 824, paragraph (1) of that Act, as applied mutatis mutandis pursuant to this paragraph, has been filed.

4 会社法第八百二十八条第一項（第一号に係る部分に限る。）及び第二項（第一号に係る部分に限る。）、第八百三十四条（第一号に係る部分に限る。）、第八百三十五条第一項、第八百三十七条から第八百三十九条まで並びに第八百四十六条の規定は、弁理士法人の設立の無効の訴えについて準用する。

(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)), Article 835, paragraph (1), Articles 837 through 839, and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the incorporation of a patent attorney corporation.

5 会社法第八百三十三条第二項、第八百三十四条（第二十一号に係る部分に限る。）、第八百三十五条第一項、第八百三十七条、第八百三十八条、第八百四十六条及び第九百三十七条第一項（第一号リに係る部分に限る。）の規定は、弁理士法人の解散の訴えについて準用する。

(5) The provisions of Article 833, paragraph (2), Article 834 (limited to the part pertaining to item (xxi)), Article 835, paragraph (1), Articles 837, 838, and 846, and Article 937, paragraph (1) (limited to the part pertaining to item (i), (ii)) of the Companies Act apply mutatis mutandis to an action seeking the dissolution of a patent attorney corporation.

6 破産法（平成十六年法律第七十五号）第十六条の規定の適用については、弁理士法人は、合名会社とみなす。

(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.

## 第七章 日本弁理士会

### Chapter VII Japan Patent Attorneys Association

(設立、目的及び法人格)

(Incorporation, Purpose, and Legal Personality)

第五十六条 弁理士は、この法律の定めるところにより、全国を通じて一個の日本弁理士会（以下この章において「弁理士会」という。）を設立しなければならない。

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 弁理士会は、弁理士及び弁理士法人の使命及び職責に鑑み、その品位を保持し、弁理士及び弁理士法人の業務の改善進歩を図るため、会員の指導、連絡及び監督に関する事務を行い、並びに弁理士の登録に関する事務を行うことを目的とする。

(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 弁理士会は、法人とする。

(3) The Patent Attorneys Association is a corporation.

(会則)

(Articles of Association)

第五十七条 弁理士会は、会則を定め、これに次に掲げる事項を記載しなければならない。

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

一 名称及び事務所の所在地

(i) the name and locality of its office;

二 入会及び退会に関する規定

(ii) provisions relating to admission to and withdrawal from the Association;

三 会員の種別及びその権利義務に関する規定

(iii) provisions relating to the types of members, and their rights and duties;

四 役員に関する規定

(iv) provisions relating to officers;

五 会議に関する規定

(v) provisions relating to meetings;

六 支部に関する規定

(vi) provisions relating to branches;

七 弁理士の登録に関する規定

(vii) provisions relating to the registration of a patent attorney;

八 登録審査会に関する規定

(viii) provisions relating to the registration screening board;

九 会員の品位保持に関する規定

(ix) provisions relating to maintaining the integrity of members;

十 会員の研修に関する規定

(x) provisions relating to the training of members;

十一 実務修習に関する規定

(xi) provisions relating to practical training;

十二 会員の業務に関する紛議の調停に関する規定

(xii) provisions relating to the mediation of disputes relating to members' business;

十三 弁理士会及び会員に関する情報の提供に関する規定

(xiii) provisions relating to the provisions of information concerning the Patent Attorneys Association and its members;

十四 会費に関する規定

(xiv) provisions relating to membership fees;

十五 会計及び資産に関する規定

(xv) provisions relating to accounting and assets;

十六 事務局に関する規定

(xvi) provisions relating to the secretariat; and

十七 その他弁理士会の目的を達成するために必要な規定

(xvii) other provisions that are necessary in order for it to achieve the purpose of the Patent Attorneys Association.

2 会則の制定又は変更（政令で定める重要な事項に係る変更に限る。）は、経済産業大臣の認可を受けなければ、その効力を生じない。

(2) Establishment of or changes to the articles of association (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.

(支部)

(Branches)

第五十八条 弁理士会は、その目的を達成するため必要があるときは、支部を設けることができる。

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

(登記)

(Registration)

第五十九条 弁理士会は、政令で定めるところにより、登記をしなければならない。

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

2 前項の規定により登記をしなければならない事項は、登記の後でなければ、これをもって第三者に対抗することができない。

(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.

(入会及び退会)

(Admission and Withdrawal)

第六十条 弁理士及び弁理士法人は、当然、弁理士会の会員となり、弁理士がその登録を抹消されたとき及び弁理士法人が解散したときは、当然、弁理士会を退会する。

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.

(弁理士会の退会処分)

(Disposition of Removal by the Patent Attorneys Association)

第六十一条 弁理士会は、経済産業大臣の認可を受けて、弁理士会の秩序又は信用を害するおそれのある会員を退会させることができる。

Article 61 With the approval of the Minister of Economy, Trade and Industry, the Patent Attorneys Association may remove any member from its membership who presents a risk of disrupting the order or damaging the reputation of the Patent Attorneys Association.

(会則を守る義務)

(Duty to Observe Articles of Association)

第六十二条 会員は、弁理士会の会則を守らなければならない。

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

(役員)

(Officers)

第六十三条 弁理士会に、会長、副会長その他会則で定める役員を置く。

Article 63 (1) The Patent Attorneys Association has a president, vice president,

and other officers specified by the articles of association.

2 会長は、弁理士会を代表し、その会務を総理する。

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

3 副会長は、会長の定めるところにより、会長を補佐し、会長に事故があるときはその職務を代理し、会長が欠員のときはその職務を行う。

(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 役員は、会則又は総会の決議によって禁止されていないときに限り、特定の行為の代理を他人に委任することができる。

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

(総会)

(General Meeting)

第六十四条 弁理士会は、毎年、定期総会を開かなければならない。

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

2 弁理士会は、必要と認める場合には、臨時総会を開くことができる。

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

(総会の決議を必要とする事項)

(Matters Requiring Resolution at a General Meeting)

第六十五条 弁理士会の会則の変更、予算及び決算は、総会の決議を経なければならない。

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

(総会の決議等の報告)

(Reporting General Meeting Resolutions)

第六十六条 弁理士会は、総会の決議並びに役員の就任及び退任を特許庁長官に報告しなければならない。

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.

(紛議の調停)

(Mediation of Disputes)



第六十七条 弁理士会は、会員の業務に関する紛議について、会員又は当事者その他関係人の請求により調停をすることができる。

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

(建議及び答申)

(Proposals and Consultation Reports)

第六十八条 弁理士会は、弁理士に係る業務又は制度について、経済産業大臣又は特許庁長官に建議し、又はその諮問に答申することができる。

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.

(懲戒事由に該当する事実の報告)

(Reporting Factual Circumstances Constituting Grounds for Disciplinary Action)

第六十九条 弁理士会は、その会員に第三十二条又は第五十四条の規定に該当する事実があると認めたときは、経済産業大臣に対し、その事実を報告するものとする。

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 第三十三条第二項の規定は、前項の報告があった場合について準用する。

(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.

(登録審査会)

(Registration Screening Board)

第七十条 弁理士会に、登録審査会を置く。

Article 70 (1) The Patent Attorneys Association has a Registration Screening Board.

2 登録審査会は、弁理士会の請求により、第十九条第一項の規定による登録の拒否、第二十三条第一項の規定による登録の取消し又は第二十五条第一項の規定による登録の抹消について必要な審査を行うものとする。

(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 登録審査会は、会長及び委員四人をもって組織する。
- (3) The Registration Screening Board is composed of a chairperson and four board members.
- 4 会長は、弁理士会の会長をもってこれに充てる。
- (4) The president of the Patent Attorneys Association serves as the chairperson.
- 5 委員は、会長が、経済産業大臣の承認を受けて、弁理士、弁理士に係る行政事務に従事する経済産業省の職員及び学識経験者のうちから委嘱する。
- (5) Having obtained the authorization of the Minister of Economy, Trade and Industry, the chairperson is to appoint board members from among patent attorneys, employees of the Ministry of Economy, Trade and Industry engaged in administrative functions that concern patent attorneys, and persons with relevant expertise.
- 6 委員の任期は、二年とする。ただし、欠員が生じた場合の補欠の委員の任期は、前任者の残任期間とする。
- (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 前各項に規定するもののほか、登録審査会の組織及び運営に関し必要な事項は、政令で定める。
- (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.

(報告及び検査)

**(Report and Inspection)**

第七十一条 経済産業大臣は、弁理士会の適正な運営を確保するため必要があると認めるときは、弁理士会に対し、報告若しくは資料の提出を求め、又は当該職員に弁理士会の事務所に立ち入り、帳簿書類その他の物件を検査させることができる。

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 their employee enter into the office of the Patent Attorneys Association and inspect its books and other materials.

2 前項の規定により立入検査をしようとする職員は、その身分を示す証明書を携帯し、関係人の請求があったときは、これを提示しなければならない。

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

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority to conduct an on-site inspection under paragraph (1) must not

be construed as being granted for criminal investigation purposes.

(総会の決議の取消し)

**(Rescission of General Meeting Resolutions)**

第七十二条 経済産業大臣は、弁理士会の総会の決議が法令又は弁理士会の会則に違反し、その他公益を害するときは、総会の決議の取消しを命ずることができる。

**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 articles of association of the Patent Attorneys Association, or if it is contrary to public interest.

(一般社団法人及び一般財団法人に関する法律の準用)

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

第七十三条 一般社団法人及び一般財団法人に関する法律第四条及び第七十八条の規定は、弁理士会について準用する。

**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.

(経済産業省令への委任)

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

第七十四条 この法律に定めるもののほか、弁理士会に関し必要な事項は、経済産業省令で定める。

**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.

## 第八章 雑則

### Chapter VIII Miscellaneous Provisions

(弁理士又は弁理士法人でない者の業務の制限)

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

第七十五条 弁理士又は弁理士法人でない者は、他人の求めに応じ報酬を得て、特許、実用新案、意匠若しくは商標若しくは国際出願、意匠に係る国際登録出願若しくは商標に係る国際登録出願に関する特許庁における手続若しくは特許、実用新案、意匠若しくは商標に関する行政不服審査法の規定による審査請求若しくは裁定に関する経済産業大臣に対する手続についての代理（特許料の納付手続についての代理、特許原簿への登録の申請手続についての代理その他の政令で定めるものを除く。）又はこれらの手続に係る事項に関する鑑定若しくは政令で定める書類若しくは電磁的記録（電子

的方式、磁気的方式その他の人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。)の作成を業とすることができない。

**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.

(名称の使用制限)

(Restriction on Name Use)

第七十六条 弁理士又は弁理士法人でない者は、弁理士若しくは特許事務所又はこれらに類似する名称を用いてはならない。

**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 弁理士法人でない者は、弁理士法人又はこれに類似する名称を用いてはならない。

(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 日本弁理士会でない団体は、日本弁理士会又はこれに類似する名称を用いてはならない。

(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.

(弁理士の使用人等の秘密を守る義務)

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

第七十七条 弁理士若しくは弁理士法人の使用人その他の従業者又はこれらの者であった者は、正当な理由がなく、第四条から第六条の二までの業務を補助したことについて知り得た秘密を漏らし、又は盗用してはならない。

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.

(弁理士に関する情報の公表)

(Publication of Information Relating to Patent Attorneys)

第七十七条の二 経済産業大臣及び日本弁理士会は、それぞれの保有する弁理士に関する情報のうち、弁理士に事務を依頼しようとする者がその選択を適切に行うために特に必要なものとして弁理士の個人情報の保護の必要性を考慮して経済産業省令で定めるものについて、公表するものとする。

Article 77-2 (1) The Minister of Economy, Trade and Industry and the Japan Patent Attorneys Association are to make public any information regarding patent attorneys that each of them retains 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 前項の公表の方法及び手続については、経済産業省令で定める。

(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 弁理士は、弁理士に事務を依頼しようとする者に対し、その適切な選択に資する情報を提供するよう努めなければならない。

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

第九章 罰則

Chapter IX Penal Provisions

第七十八条 弁理士となる資格を有しない者が、日本弁理士会に対し、その資格につき虚偽の申請をして弁理士登録簿に登録させたときは、一年以下の懲役又は百万円以下の罰金に処する。

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 attorney register by making a false application regarding their qualifications,

that person is subject to imprisonment for not more than one year or to a fine of not more than 1,000,000 yen.

第七十九条 次の各号のいずれかに該当する者は、一年以下の懲役又は百万円以下の罰金に処する。

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:

- 一 第三十一条の三（第五十条において準用する場合を含む。）の規定に違反した者  
(i) a person violating the provisions of Article 31-3 (including as applied mutatis mutandis pursuant to Article 50);
- 二 第三十二条又は第五十四条第一項の規定による業務の停止の処分に違反した者  
(ii) a person violating a disposition of suspension of business under the provisions of Article 32 or 54, paragraph (1); or
- 三 第七十五条の規定に違反した者  
(iii) a person violating the provisions of Article 75.

第八十条 第十六条の五第一項、第三十条又は第七十七条の規定に違反した者は、六月以下の懲役又は五十万円以下の罰金に処する。

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

2 前項の罪は、告訴がなければ公訴を提起することができない。

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

第八十条の二 第十六条の十二第二項の規定による実務修習事務の停止の命令に違反したときは、その違反行為をした指定修習機関の役員又は職員は、六月以下の懲役又は五十万円以下の罰金に処する。

Article 80-2 An officer or employee 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.

第八十一条 次の各号のいずれかに該当する者は、百万円以下の罰金に処する。

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

- 一 第七十一条第一項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは資料の提出をし、又は同項の規定による立入検査を拒み、妨げ、若しくは忌避した者  
(i) a person that has not made a report or submitted materials under the

provisions of Article 71, paragraph (1), or that has made a false report or submitted false materials, or that has refused, obstructed, or evaded an on-site inspection under the provisions of that paragraph; or

二 第七十六条の規定に違反した者

(ii) a person violating the provisions of Article 76.

第八十一条の二 第五十三条の二第六項において準用する会社法第九百五十五条第一項の規定に違反して、同項に規定する調査記録簿等に同項に規定する電子公告調査に関し法務省令で定めるものを記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をし、又は当該調査記録簿等を保存しなかった者は、三十万円以下の罰金に処する。

Article 81-2 In violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 53-2, paragraph (6), a person that has failed to make a statement or record, or has made a false statement or record of what is provided by Ministry of Justice Order 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.

第八十一条の三 次の各号のいずれかに該当するときは、その違反行為をした指定修習機関の役員又は職員は、三十万円以下の罰金に処する。

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:

一 第十六条の八の規定に違反して帳簿を備え置かず、帳簿に記載せず、若しくは帳簿に虚偽の記載をし、又は帳簿を保存しなかったとき。

(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;

二 第十六条の十第一項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは資料の提出をし、又は同項の規定による立入検査を拒み、妨げ、若しくは忌避したとき。

(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

三 第十六条の十一第一項の許可を受けないで、実務修習事務の全部を廃止したとき。

(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).

第八十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第七十九条第一号（第五十条において準用する第三十一条の三に係る部分に限る。）、第二号（第五十四条第一項に係る部分に限る。）若しくは第三号、第八十一条又は第八十一条の二の違反行為をしたときは、その行為者を罰するほか、その法人又は人に対し、各本条の罰金刑を科する。

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 Article 81 or 81-2 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine prescribed in the respective Articles.

第八十三条 第三十四条の規定（第五十四条第二項において準用する場合を含む。）による報告をせず、若しくは虚偽の報告をし、又は帳簿書類その他の物件の提出をしなかった者は、三十万円以下の過料に処する。

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.

第八十四条 次の各号のいずれかに該当する者は、百万円以下の過料に処する。

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:

一 第五十三条の二第六項において準用する会社法第九百四十六条第三項の規定に違反して、報告をせず、又は虚偽の報告をした者

(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

二 正当な理由がないのに、第五十三条の二第六項において準用する会社法第九百五十一条第二項各号又は第九百五十五条第二項各号に掲げる請求を拒んだ者

(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.

第八十五条 次の各号のいずれかに該当する場合には、弁理士法人の社員若しくは清算人又は日本弁理士会の役員は、三十万円以下の過料に処する。

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:

一 この法律に基づく政令の規定に違反して登記をすることを怠ったとき。

(i) if the person has failed to register in violation of the provisions of Cabinet Order under this Act;

二 第五十三条の二第二項又は第五項の規定に違反して合併をしたとき。

(ii) if the person has merged in violation of Article 53-2, paragraph (2) or (5);

三 第五十三条の二第六項において準用する会社法第九百四十一条の規定に違反して同条の調査を求めなかったとき。

(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;

四 定款又は第五十五条第一項において準用する会社法第六百十五条第一項の会計帳簿若しくは第五十五条第一項において準用する同法第六百十七条第一項若しくは第二項の貸借対照表に記載し、若しくは記録すべき事項を記載せず、若しくは記録せず、又は虚偽の記載若しくは記録をしたとき。

(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);

五 第五十五条第二項において準用する会社法第六百五十六条第一項の規定に違反して破産手続開始の申立てを怠ったとき。

(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);

六 第五十五条第二項において準用する会社法第六百六十四条の規定に違反して財産を分配したとき。

(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

七 第五十五条第二項において準用する会社法第六百七十条第二項又は第五項の規定に違反して財産を処分したとき。

(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).