

Patent Attorneys Act

(Act No. 49 of April 26, 2000)

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Chapter I General Provisions

(Mission of Patent Attorneys)

Article 1 The mission of patent attorneys as professionals on intellectual property (meaning intellectual property defined in Article 2, paragraph (1) of the Intellectual Property Basic Act (Act No. 122 of 2002); the same applies below in this Article) is to contribute to the proper protection and use of intellectual property rights (meaning intellectual property rights defined in paragraph (2) of that Article) and the proper operation of other systems related to intellectual property, thereby contribute to the development of economy and industry.

(Definitions)

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

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

- (5) The term "specified unfair competition" as used in this Act means unfair competition defined in Article 2, paragraph (1) of the Unfair Competition Prevention Act (Act No. 47 of 1993) which is stated in items (i) through (xvi) and items (xix) through (xxii) of that paragraph (for those stated in items (iv) through (ix) of that paragraph, limited to those related to technical secrets (meaning trade secrets defined in paragraph (6) of that Article which is technical information; the same applies below); for those stated in paragraph (1), items (xi) through (xvi) of that Article, limited to those related to technical data (meaning shared data with limited access defined in paragraph (7) of that Article which is technical information; the same applies below); for those stated in paragraph (1), item (xx) of that Article, those related to trademarks; for those stated in item (xxi) of that paragraph, those related to false facts of rights concerning patents, utility models, designs, trademarks, or circuit layouts, or on technical secrets or technical data).
- (6) The term "specified infringement litigation" as used in this Act means a litigation on infringement of rights concerning patents, utility models, designs, trademarks or circuit layouts, or on infringement of business interests through specified unfair competition.
- (7) The term "patent attorney corporation" as used in this Act means a corporation established by patent attorneys for the purpose of performing the services referred to in Article 4, paragraph (1), as provided for by this Act.

(Professional Responsibilities)

Article 3 A patent attorney must maintain integrity, be familiar with the laws, regulations, and practices related to services, and perform their services in a fair and sincere manner, at all times.

(Services)

Article 4 (1) A patent attorney at the request of other persons, specializes in acting as an agent for procedures taken with the Japan Patent Office concerning patents, utility models, designs, or trademarks, or international applications, applications for the international registration of designs, or applications for the international registration of trademarks, and procedures taken with the Minister of Economy, Trade and Industry concerning requests for review under the provisions of the Administrative Complaint Review Act (Act No. 68 of 2014) or rulings, on patents, utility models, designs, or trademarks, and providing expert opinions on matters related to those procedures and other affairs.

- (2) In addition to the services provided for in the preceding paragraph, a patent

attorney may specialize in performing the following affairs at the request of other persons:

- (i) acting as an agent for procedures taken with the Director General of Customs for 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), a petition under the provisions of Article 69-4, paragraph (1) and Article 69-13, paragraph (1) of that Act, and procedures for the petition that the person filing that petition or a person seeking to export or import the goods related to that petition takes with the Director General of Customs or the Minister of Finance;
 - (ii) acting as an agent for alternative dispute resolution procedures (meaning alternative dispute resolution procedures prescribed in Article 1 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004); the same applies below in this item) for cases concerning patents, utility models, designs, trademarks, circuit layouts, or specified unfair competition, or cases concerning rights on copyrighted work (meaning a copyrighted work defined in Article 2, paragraph (1), item (i) of the Copyright Act (Act No. 48 of 1970); the same applies below), for which the procedures are conducted by an association designated by the Minister of Economy, Trade and Industry as one that is found to be capable of fairly and properly performing the services for alternative dispute resolution procedures of those cases;
 - (iii) consultations on the affairs stated in the preceding two items; and
 - (iv) consultations on the content of the opinions (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)) of a person who seeks to submit a document stating the opinion prescribed in Article 105-2-11, paragraphs (1) and (2) of the Patent Act (including as applied *mutatis mutandis* pursuant to Article 65, paragraph (6) of that Act and Article 30 of the Utility Model Act).
- (3) In addition to the services provided for in the preceding two paragraphs, a patent attorney may specialize in conducting the following affairs using the title of patent attorney and at the request of other persons; provided, however, that this does not apply if conducting those affairs is restricted by other laws:
- (i) acting as an agent or intermediary for conclusion of a sales contract or a contract for grant of a non-exclusive license of a right on a patent, utility model, design, trademark, circuit layout or copyrighted work, or of a technical secret or technical data or other contracts, or providing consultations on those matters;
 - (ii) preparing materials and conducting other affairs related to procedures (limited to procedures to be taken by a person that has a domicile or residence (for a corporation, business office) in Japan) for a right on a patent, utility model, design, trademark, new variety of plant, or geographical

- indication (meaning an indication specifying that the place of origin of a certain product is a specific place, region, or country when the established quality, social evaluation, or other characteristics of that product is mainly attributable to its geographical origin; the same applies in the following item) with a foreign government agency or an equivalent organization;
- (iii) providing consultations on the protection of technical information useful for inventions, devices, designs, or trademarks (excluding those related to a right for them which are already pending at the Japan Patent Office), circuit layouts (excluding those related to the application for registering the creation of a right to use the circuit layout that has already been submitted to the Minister of Economy, Trade and Industry), new variety of plants, business activities (excluding technical secrets and technical data), or geographical indication; and
- (iv) to be involved in the preparation of a draft of Japanese Industrial Standards or other standards that contribute to providing more opportunities for the use of a right on a patent, utility model, design, trademark, or circuit layout, or of a technical secret or technical data, or providing consultations on the preparation of a draft of the standards.

Article 5 (1) A patent attorney may appear at a court as an assistant in court together with the party to the case or with the litigation representative, and give a statement or conduct an examination on matters related to a patent, utility model, design or trademark, international applications, applications for international registration of design, or applications for international registration of trademark, circuit layout, or specified unfair competition.

(2) A statement or an examination referred to in the preceding paragraph is deemed to have been made by the party to the case or by the litigation representative; provided, however, that this does not apply when that party or litigation representative has immediately rescinded or corrected the statement referred to in that paragraph.

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

Article 6-2 (1) When a patent attorney has passed the examination for conducting specified infringement litigation representation services prescribed in Article 15-2, paragraph (1) and has had a supplementary note indicating this fact added pursuant to the provisions of Article 27-3, paragraph (1), that patent attorney may act as a litigation representative in a specified

infringement litigation only for a case that an attorney has taken on for the same client.

- (2) When a patent attorney acting as a litigation representative pursuant to the provisions of the preceding paragraph appears in court, the patent attorney must appear together with an attorney.
- (3) Notwithstanding the provisions of the preceding paragraph, when the court finds it appropriate, a patent attorney may appear in court alone.

(Qualifications)

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

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

(Grounds for Ineligibility)

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

- (i) a person who has been sentenced to imprisonment or a heavier punishment;
- (ii) excluding the persons falling under the preceding item, a person who has committed one of the offenses prescribed in Article 78 through Article 81 or Article 81-3 of this Act, Article 196 through Article 198 or Article 200 of the Patent Act, Article 56 through Article 58 or Article 60 of the Utility Model Act, Article 69 through Article 71 or Article 73 of the Design Act, Article 78 through Article 80 of the Trademark Act or Article 28 of the Supplementary Provisions of that Act, and has been sentenced to pay a fine, for whom five years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (iii) excluding the persons falling under the preceding two items, a person who has committed one of the offenses prescribed in Article 108-4, paragraph (2) of the Customs Act (limited to the part related to Article 69-2, paragraph (1), items (iii) and (iv) of that Act; the same applies below in this item), paragraph (3) (limited to the part related to Article 108-4, paragraph (2) of that Act) or paragraph (5) (limited to the part related to Article 69-2, paragraph (1), items (iii) and (iv) of that Act), Article 109, paragraph (2) (limited to the part related to Article 69-11, paragraph (1), items (ix) and (x) of that Act; the same applies below in this item), paragraph (3) (limited to the part related to Article 109, paragraph (2) of that Act) or paragraph (5)

- (limited to the part related to Article 69-11, paragraph (1), items (ix) and (x) of that Act), or Article 112, paragraph (1) of that Act (limited to the part related to Article 108-4, paragraph (2) and Article 109, paragraph (2) of that Act), the offenses prescribed in Article 119 through Article 122 of the Copyright Act, the offenses prescribed in Article 51, paragraph (1) or Article 52 of the Act on the Circuit Layouts of Semiconductor Integrated Circuits, the offenses prescribed in Article 21, paragraph (1) through (6) (excluding paragraph (3), item (vi) and paragraph (4), item (iv)) of the Unfair Competition Prevention Act, the offenses prescribed in Article 67 through Article 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, for whom three years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (iv) a government employee who has been subject to a disposition of disciplinary dismissal, for whom three years have not passed since the date of the disposition;
 - (v) a person who has been subject to a disposition revoking a registration pursuant to the provisions of Article 23, paragraph (1), for whom three years have not passed since the date of the disposition;
 - (vi) a person who has been subject to a disposition prohibiting performance of services pursuant to the provisions of Article 32, for whom three years have not passed since the date of the disposition;
 - (vii) a person who has been subject to a disposition of expulsion from a bar association, deletion of registration as a certified public accountant, or prohibiting performance of services as a certified public tax accountant, due to a disciplinary action under the provisions of the Attorneys Act (Act No. 205 of 1949) or Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), Certified Public Accountants Act (Act No. 103 of 1948) or Certified Public Tax Accountant Act (Act No. 237 of 1951), for whom three years have not passed since the date of the disposition;
 - (viii) a person who has received a decision that they should have received a disposition stated in Article 44, item (iii) of the Certified Public Tax Accountants Act pursuant to the provisions of Article 48, paragraph (1) of that Act, for whom three years have not yet passed since the date of that decision;
 - (ix) a person who has been subject to a disposition suspending performance of services pursuant to the provisions of Article 32, and has had their registration deleted during the period of suspension of services, for whom the

- period has not passed;
- (x) a minor; or
- (xi) a person who has received a decision for the commencement of bankruptcy proceedings and has not been released from bankruptcy restrictions.

Chapter II Patent Attorney Examination

(Purpose and Method of Examination)

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

(Examination Content)

- Article 10 (1) The short answer examination is conducted on the following subjects:
- (i) laws and regulations related to patents, utility models, designs, and trademarks (referred to as "industrial property rights" below in this Article and items (iv) and (v) of the following Article);
 - (ii) treaties on industrial property rights; and
 - (iii) beyond what is stated in the preceding two items, the necessary laws and regulations for conducting the services as a patent attorney which are specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The essay examination is conducted on the following subjects for a person who has passed the short answer examination:
- (i) laws and regulations related to industrial property rights; and
 - (ii) a subject that the examinee selects in advance from among the subjects related to technology or law which are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The oral examination is conducted on laws and regulations related to industrial property rights for a person who has passed the written examinations.

(Exemption of Examination)

- Article 11 A person who falls under any of the following items is exempted from the examination stated in each of those items, upon their request:
- (i) a person who has passed the short answer examination: the short answer examination that is conducted no later than the last day of the two-year

- period commencing on the date on which the passing of the examination is announced for the short answer examination that the person has passed;
- (ii) a person who has obtained a score on the essay examination in a subject stated in paragraph (2), item (i) of the preceding Article that a council, etc. (meaning an organization provided for in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) specified by Cabinet Order (referred to below as a "council") finds to be sufficient: the essay examination in the subject that is conducted no later than the last day of the two-year period commencing on the date on which the passing of the examination is announced for the essay examination for which the person has obtained that score;
 - (iii) a person who has obtained a score on the essay examination in a subject stated in paragraph (2), item (ii) of the preceding Article which the council finds to be sufficient: the essay examination in that subject that is conducted after obtaining the score;
 - (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 related to industrial property rights which are specified by Order of the Ministry of Economy, Trade and Industry: the short answer examination in the subjects stated in paragraph (1), items (i) and (ii) of the preceding Article which is conducted no later than the last day of the two-year period commencing on the date of completion of the program;
 - (v) a person who has been engaged in affairs on trials, appeals, or examinations at the Japan Patent Office for the total of five years or more: the examination conducted on laws, regulations, and treaties related to industrial property rights; or
 - (vi) a person who is specified by Order of the Ministry of Economy, Trade and Industry as having at least the same level of knowledge as a person who has passed the written examination in a subject to be selected by an examinee referred to in paragraph (2), item (ii) of the preceding Article: the essay examination conducted on that subject.

(Implementation of Examination)

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

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

(Certificate of Passing the Examination)

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

(Rescission of Passing the Examination)

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

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

(Examination Fees)

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

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

(Examination for Conducting Specified Infringement Litigation Representation Services)

Article 15-2 (1) The examination for conducting specified infringement litigation representation services is conducted by the means of a written examination in an essay format for a patent attorney who has completed the training on the necessary knowledge and practical skills for acting as a representative for specified infringement litigation prescribed by Order of the Ministry of Economy, Trade and Industry, in order to determine whether the person has the necessary knowledge and practical skills.

(2) The provisions of Articles 12 through the preceding Article apply mutatis mutandis to the examination for conducting specified infringement litigation representation services.

(Details of Examination)

Article 16 Beyond what is provided for in this Act, the necessary matters related to the patent attorney examination and the examination for conducting infringement litigation representation services are specified by Order of the Ministry of Economy, Trade and Industry.

Chapter II-2 Practical Training

(Practical Training)

Article 16-2 (1) Practical training is held by the Minister of Economy, Trade and Industry to have the persons stated in the items of Article 7 acquire the skills

and advanced professional application skills that they need to become patent attorneys.

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

- (i) to conduct the training one or more times per year;
- (ii) to conduct the training on the laws, regulations, and practices for the services of patent attorneys; and
- (iii) the lecturers and instructors of practical training are to be patent attorneys, who have experience of engaging in the practice for a total of seven years or more.

(Designation of Designated Training Organizations)

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

- (2) A designated training organization is designated upon the application of a person seeking to conduct the affairs on practical training, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (3) When the Minister of Economy, Trade and Industry has designated a designated training organization, the Minister is not to conduct the affairs on practical training.
- (4) The Minister of Economy, Trade and Industry must not designate a designated training organization unless the Minister finds that the application referred to in paragraph (2) conforms to all of the following items:
 - (i) the plan for conducting the affairs on practical training concerning the employees, equipment, method of conducting the affairs on practical training, and other matters, are appropriate for properly and reliably conducting the affairs on practical training;
 - (ii) the applicant is a corporation that has the necessary financial and technical foundation for properly and reliably implementing the plan for conducting the affairs on practical training referred to in the preceding item;
 - (iii) if the applicant is engaged in services other than the affairs on practical training, there is no risk that the engagement in the services will cause the affairs on practical training to be unjust; and
 - (iv) the designation of the applicant will not hinder the proper and reliable implementation of the affairs on practical training.
- (5) The Minister of Economy, Trade and Industry must not designate a person as a designated training organization when the person that has filed an application referred to in paragraph (2) falls under either of the following

items:

- (i) the applicant has had a designation revoked pursuant to the provisions of Article 16-12, paragraph (1) or (2), and two years have not passed since the date of the rescission; or
- (ii) one of the applicant's officers has committed an offense prescribed in this Act, has been sentenced to punishment, and two years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement.

(Public Notices of Designation)

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

(Duty of Confidentiality)

- Article 16-5 (1) It is prohibited for the officer or employee of a designated training organization (including lecturers and instructors of practical training; the same applies in the following paragraph) or a person that has held one of those positions, to divulge a secret learned concerning the affairs on practical training.
- (2) An officer or employee of a designated training organization who is engaged in the affairs of practical training is deemed to be an employee engaged in public services pursuant to laws and regulations for the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Rules for the Affairs on Training)

- Article 16-6 (1) Before commencing the affairs on practical training, a designated training organization must establish rules for conducting the affairs on practical training (referred to below as "rules for the affairs on training"), and obtain the approval of the Minister of Economy, Trade and Industry. The same applies when the designated training organization seeks to

change the rules.

- (2) The matters that are to be provided in the rules for the affairs on training are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the Minister of Economy, Trade and Industry finds that the rules for the affairs on training that have been given an approval referred to in paragraph (1) have become inappropriate for properly and reliably conducting the affairs on practical training, the Minister may order the designated training organization to change the rules.
- (4) The standards for the approval referred to in paragraph (1) are specified by Order of the Ministry of Economy, Trade and Industry.

(Business Plans)

Article 16-7 (1) Each business year, a designated training organization must prepare a written business plan and a written budget for revenue and expenditure, and submit them to the Minister of Economy, Trade and Industry before the commencement of that business year (for the business year that includes the date of designation, without delay after receiving the designation). The same applies when the designated training organization seeks to change the written plan or the written budget.

- (2) Each business year, a designated training organization must prepare a business report and a statement of revenue and expenditure, and submit them to the Minister of Economy, Trade and Industry within three months after the end of the relevant business year.

(Keeping of Books)

Article 16-8 Pursuant to Order of the Ministry of Economy, Trade and Industry, a designated training organization must keep and preserve books that state the matters concerning the affairs on practical training which is specified by Order of the Ministry of Economy, Trade and Industry.

(Supervision Orders)

Article 16-9 When the Minister of Economy, Trade and Industry finds it necessary for ensuring the proper and reliable implementation of the affairs on practical training, the Minister may issue an order to a designated training organization which is necessary for the supervision concerning the affairs on practical training.

(Reports and On-Site Inspections)

Article 16-10 (1) When the Minister of Economy, Trade and Industry finds it necessary for ensuring the proper and reliable implementation of the affairs on practical training, the Minister may have a designated training organization

make a report or submit materials on the status of the affairs on practical training, or have an employee enter the office of a designated training organization and inspect the status of the affairs on practical training or the status of the books and other objects.

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

(Suspension or Discontinuation of the Affairs on Practical Training)

- Article 16-11 (1) A designated training organization must not suspend or discontinue all or part of the affairs on practical training, without obtaining the permission of the Minister of Economy, Trade and Industry.
- (2) When the Minister of Economy, Trade and Industry has given the permission referred to in the preceding paragraph, the Minister must issue a public notice to that effect.

(Revocation of Designations)

- Article 16-12 (1) The Minister of Economy, Trade and Industry must revoke the designation of a designated training organization when it has come to fall under the provisions of Article 16-3, paragraph (5), item (ii).
- (2) The Minister of Economy, Trade and Industry may revoke the designation of a designated training organization, or order the organization to suspend all or part of the affairs on practical training by specifying a period of time, when it falls under one of the following items:
 - (i) when it is found that the organization no longer conforms to any of Article 16-3, paragraph (4), items (i) through (iii);
 - (ii) when the organization has violated any of the provisions of Article 16-4, paragraph (2), Article 16-6, paragraph (1), Article 16-7, Article 16-8, or paragraph (1) of the preceding Article;
 - (iii) when the organization has conducted the affairs on practical training without complying with the rules for the affairs on training that has been approved pursuant to the provisions of Article 16-6, paragraph (1);
 - (iv) when the organization has violated an order under the provisions of Article 16-6, paragraph (3) or Article 16-9; or
 - (v) when the organization has been designated by deception or other wrongful means.
 - (3) When the Minister of Economy, Trade and Industry has revoked a designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or has

ordered to suspend all or part of the affairs on practical training pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect.

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

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

(2) When the Minister of Economy, Trade and Industry decides to conduct the affairs on practical training pursuant to the provisions of the preceding paragraph, or decides not to conduct the affairs on practical training which are conducted pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect in advance.

(3) When the Minister of Economy, Trade and Industry has decided to conduct the affairs on practical training pursuant to the provisions of paragraph (1), has permitted the discontinuation of the affairs on practical training pursuant to the provisions of Article 16-11, paragraph (1), or has revoked a designation pursuant to the provisions of paragraph (1) or (2) of the preceding Article, the necessary matters for succeeding the affairs on practical training and other necessary matters are specified by Order of the Ministry of Economy, Trade and Industry.

(Fees)

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

(2) When a designated training organization conducts the affairs on practical training, a person seeking to receive practical training must pay a fee to the designated training organization in an amount the designated training organization specifies with the approval of the Minister of Economy, Trade and Industry pursuant to the provisions of Cabinet Order.

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

(Particulars of Practical Training)

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

Chapter III Registration

(Registration)

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

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

(Application for Registration)

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

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

(Refusal of Registration)

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

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

- (ii) when it is likely that the person would damage the credibility of the patent attorney profession.
- (2) When the Japan Patent Attorneys Association seeks to refuse the applicant's registration on the grounds that the applicant falls under one of the items of the preceding paragraph, the Association must notify the applicant of that fact in advance and provide an opportunity for the applicant to present an explanation personally or through an agent, within a reasonable period of time.

(Notice Related to Registration)

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

(Request for Review Under the Provisions of the Administrative Complaint Review Act When Registration Has Been Refused)

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

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

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

(Notifications of Changes to Registered Matters)

Article 22 When a change is made to the matters registered in the patent attorney register, a patent attorney must notify the Japan Patent Attorneys Association of that fact without delay.

(Revocation of Registrations)

Article 23 (1) When it becomes clear that a person registered as a patent attorney has been registered through deception or other wrongful means, the

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

(Deletion of Registrations)

- Article 24 (1) If a patent attorney falls under one of the following items, the Japan Patent Attorneys Association must delete their registration:
- (i) when the patent attorney discontinues their services;
 - (ii) when the patent attorney has died;
 - (iii) when the patent attorney has come to fall under one of the items of Article 8 (excluding item (v));
 - (iv) when the patent attorney has been subject to a disposition revoking the registration which is under the provisions of paragraph (1) of the preceding Article; or
 - (v) when the patent attorney has been subject to a disposition of withdrawal from membership which is under the provisions of Article 61.
- (2) When a patent attorney has come to fall under any of the items (i) through (iii) of the preceding paragraph, that patent attorney, or their legal representative or their heir must notify the Japan Patent Attorneys Association of that fact without delay.
- (3) When the Japan Patent Attorneys Association has deleted the registration of a patent attorney pursuant to the provisions of item (i), item (iii), or item (v) of paragraph (1), the Association must notify the patent attorney of that fact in writing.

- Article 25 (1) The Japan Patent Attorneys Association may delete the registration of a patent attorney when it is likely that the patent attorney will be unsuitable to practice as a patent attorney due to a mental or physical disorder.
- (2) The provisions of the second sentence of Article 19, paragraph (1) and paragraph (3) of the preceding Article apply mutatis mutandis to the deletion of registration under the provisions of the preceding paragraph.

(Application Mutatis Mutandis of Provisions on Refusal of Registrations)

- Article 26 The provisions of Article 21, paragraphs (1) and (3) apply mutatis

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

(Public Notice of Registrations and Deletion of Registrations)

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

(Application for Addition of a Supplementary Note Indicating Qualification to Conduct Specified Infringement Litigation Representation Services)

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

(2) A patent attorney must enter their name and other matters specified by Order of the Ministry of Economy, Trade, and Industry to the written application for the addition of a supplementary note referred to in the preceding paragraph, and attach a certificate certifying that they have passed the examination for qualification to conduct specified infringement litigation representation services.

(Addition of Supplementary Notes Indicating Qualification to Conduct Specified Infringement Litigation Representation Services)

Article 27-3 (1) When the Japan Patent Attorneys Association has received an application under the provisions of the preceding Article, the Association must promptly add a supplementary note indicating qualification to conduct specified infringement litigation representation services to the registration of that patent attorney.

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

(Deletion of Supplementary Notes Indicating Qualification to Conduct Specified Infringement Litigation Representation Services)

Article 27-4 (1) When it is found that a person for whom a supplementary note has been added indicating qualification to conduct specified infringement

litigation representation services has had the supplementary note added through deception or other wrongful means, the Japan Patent Attorneys Association must delete the supplementary note.

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

(Public Notice of the Addition or Deletion of Supplementary Notes Indicating Qualification to Conduct Specified Infringement Litigation Representation Services)

Article 27-5 The provisions of Article 27 apply mutatis mutandis to the addition or deletion of a supplementary note indicating qualification to conduct specified infringement litigation representation services.

(Particulars of Registrations)

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

Chapter IV Obligations of Patent Attorneys

(Prohibition of Discreditable Acts)

Article 29 A patent attorney must not perform acts that could damage the credibility or integrity of the patent attorney profession.

(Duty of Confidentiality)

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

(Cases for Which Services May Not be Performed)

Article 31 A patent attorney must not perform services for a case falling under any 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 has given consent:

- (i) a case which the counterparty has consulted the patent attorney about and has provided support to the counterparty, or which the patent attorney has agreed to take on for the counterparty;
- (ii) a case which the counterparty has consulted the patent attorney about, and the extent and the manner of the consultation is found to be based on a relationship of mutual trust;

- (iii) a different case which is requested by the counterparty of a case the patent attorney has already accepted to take on;
- (iv) a case that the patent attorney has handled in the course of duties as a government employee;
- (v) a case that the patent attorney has handled as an arbitrator in an arbitration proceeding;
- (vi) a case which the counterparty has consulted the patent attorney corporation about and the patent attorney corporation provided support to the counterparty during the period that the patent attorney was engaged in services as an employee or member of a patent attorney corporation, or a case that the patent attorney accepted to take on which the patent attorney personally became involved in; or
- (vii) a case which the patent attorney corporation has been consulted by the counterparty during the period that the patent attorney was engaged in services as an employee or member of the patent attorney corporation, and the extent and the manner of the consultation is found to be based on a relationship of mutual trust, and which the patent attorney personally became involved in.

(Training)

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

(Prohibition of Lending One's Name to Non-Patent Attorneys)

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

Chapter V Responsibilities of Patent Attorneys

(Types of Disciplinary Actions)

Article 32 If a patent attorney violates this Act or an order based on this Act, or engages in grave misconduct that is inappropriate as a patent attorney, the Minister of Economy, Trade, and Industry may reach one of the following dispositions:

- (i) admonition;
- (ii) suspension of all or part of the services for not more than two years; or
- (iii) prohibition of services.

(Procedures for Disciplinary Actions)

- Article 33 (1) Any person who considers there to be a fact that falls under the preceding Article regarding a patent attorney may report that fact to the Minister of Economy, Trade and Industry and request that appropriate measures be taken.
- (2) When a report prescribed in the preceding paragraph has been made, the Minister of Economy, Trade and Industry must conduct necessary investigation of the case.
- (3) When the Minister of Economy, Trade and Industry considers there to be a fact that falls under the preceding Article regarding a patent attorney, the Minister may conduct necessary investigation by their own authority.
- (4) Notwithstanding the category of procedures for statement of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), when the Minister of Economy, Trade and Industry seeks to reach a disposition of admonition or suspension of services for not more than two years pursuant to the provisions of the preceding Article, the Minister must conduct a hearing.
- (5) The disciplinary action under the provisions of the preceding Article is to be taken after conducting a hearing and the Minister of Economy, Trade and Industry finds there to be a fact that falls under that Article based on reasonable evidence, by hearing the opinion of the council.

(Authority for Investigation)

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

(Restrictions on Deletion of Registrations)

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

(Public Notice of Disciplinary Actions)

Article 36 When the Minister of Economy, Trade and Industry has taken a disciplinary action pursuant to the provisions of Article 32, the Minister must issue a public notice of that fact in an Official Gazette.

Chapter VI Patent Attorney Corporations

(Establishment)

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

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

(Name)

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

(Qualifications of Members)

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

(2) The following persons may not become members:

- (i) a person that has been issued a disposition suspending their services pursuant to the provisions of Article 32, for whom the period of suspension has not passed;
- (ii) when a patent attorney corporation has been ordered to dissolve or suspend its services pursuant to the provisions of Article 54, a person who was the member of the patent attorney corporation within 30 days before the date of the disposition, for whom three years have not passed since the date of the disposition (if an order to suspend its services has been given, the period of suspension of services).

(Scope of Services)

Article 40 In addition to performing the services referred to in Article 4, paragraph (1), a patent attorney corporation may perform all or part of the services referred to in paragraphs (2) and (3) of that Article pursuant to the provisions of the articles of incorporation.

Article 41 Beyond what is provided for in the preceding Article, a patent attorney corporation may be entrusted with the affairs that a patent attorney can handle pursuant to the provisions of Article 5 through Article 6-2, and have a patent attorney who is its member or employee handle them (for the affairs prescribed in Article 6, paragraph (2), limited to a patent attorney that has had a supplementary note added indicating qualification to conduct specified infringement litigation representation services; referred to below as a "member, etc."). In such a case, the patent attorney corporation must have the entrusting party select its assistant in court or litigation representative from

among the members, etc. of the patent attorney corporation.

(Registration)

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

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

(Procedures of Establishment)

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

(2) The articles of incorporation must state at least the following matters:

- (i) the purpose;
- (ii) the name;
- (iii) the location of the office;
- (iv) the names and addresses of members;
- (v) the matters related to contribution by the members; and
- (vi) the matters concerning execution of services.

(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.

(Time of Establishment)

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

(Filing Notification of Establishment)

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

(Authority to Execute Services)

Article 46 The members of a patent attorney corporation have the right and obligation to execute all of the services.

(Changes to Articles of Incorporation)

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

consent of all of its members.

- (2) When a patent attorney corporation has changed its articles of incorporation, it must notify the Minister of Economy, Trade, and Industry of the matters related to the change within two weeks from the date of the change.

(Representative of Corporations)

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

- (2) The provisions of the preceding paragraph do not preclude the appointment of a member as a member who is to specifically represent the patent attorney corporation, pursuant to the articles of incorporation or with the consent of all members.
- (3) A member that represents a patent attorney corporation has the authority to perform any and all acts in or out of court in relation to the services of the patent attorney corporation.
- (4) The restriction made to the authority referred to in the preceding paragraph may not be asserted against a third party in good faith.
- (5) A member that represents a patent attorney corporation may delegate other persons to represent them in performing specific acts, unless prohibited by the articles of incorporation.

(Designated Members)

Article 47-3 (1) A patent attorney corporation may designate one or more members to be in charge of services for a specific case.

- (2) Only the member that has been designated (referred to below as "designated member") has the right and obligation to execute the services for the case the designation under the provisions of the preceding paragraph has been made (referred to below as a "designated case").
- (3) For a designated case, only the designated member represents the patent attorney corporation, notwithstanding the provisions of the preceding Article.
- (4) When a patent attorney corporation has made a designation under the provisions of paragraph (1), the corporation must notify the client of the designated case of that fact in writing.
- (5) By setting a reasonable period, the client may request a patent attorney corporation to clarify whether it will make a designation under the provisions of paragraph (1) within that period, for the case related to the client's request. In such a case, if the patent attorney corporation fails to give a notice under the provisions of the preceding paragraph within that period, the patent attorney corporation may not make a designation after that period; provided, however, that this does not preclude the corporation from making a designation after obtaining the consent of the client.

- (6) If a vacancy arises among the designated members before the completion of the services for the designated case, the patent attorney corporation must make a new designation. When the designation is not made, all members of the patent attorney corporation are deemed to have been designated.
- (7) When a patent attorney corporation that has only one member is requested to take on a case, that member is deemed to have been designated.

(Liability of Members)

- Article 47-4 (1) When the obligations of a patent attorney corporation cannot be paid in full by using its assets, all members of the patent attorney corporation are jointly and severally liable to perform the obligations.
- (2) The provisions of the preceding paragraph also apply if a judicial enforcement against the assets of a patent attorney corporation is not successful.
 - (3) The provisions of the preceding paragraph do not apply if the members of the patent attorney corporation prove that the patent attorney corporation has financial resources, and that the enforcement can be easily conducted.
 - (4) If a designation under the provisions of paragraph (1) of the preceding Article has been made and a notice under the provisions of paragraph (4) of that Article has been given (including cases in which a designation is deemed to have been made 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 relation to a designated case may not be paid in full by using its assets, the designated members (including former designated members; the same applies below in this Article) are jointly and severally liable to perform the obligations, notwithstanding the provisions of paragraph (1); provided, however, that this does not apply if a member that has withdrawn proves that the obligations were incurred due to the grounds that arose after that member's withdrawal.
 - (5) The preceding paragraph also applies if a designation under the provisions of paragraph (1) of the preceding Article has been made and a notice under the provisions of paragraph (4) of that Article has been given, and a judicial enforcement against the assets of the patent attorney corporation based on claims that have arisen against the client in relation to the designated case is not successful, excluding the cases in which designated members prove that the patent attorney corporation has the financial resources, and that the enforcement can be easily conducted.
 - (6) If a designation under the provisions of paragraph (1) of the preceding Article has been made and a notice under the provisions of paragraph (4) of that Article has been given, and an undesignated member is involved in the services related to the designated case whether before or after the designation, that member assumes the same liability as that assumed by designated members

pursuant to the provisions of the preceding two paragraphs, unless that member proves that the member did not fail to exercise due care in becoming involved in those services. The same applies after the member has withdrawn from the patent attorney corporation.

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

(Liability for Acts Mistaken as the Acts of Members)

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

(Restrictions on Services for Specified Cases)

Article 48 (1) A patent attorney corporation must not perform services for a case falling under any of the following items; provided, however, that this does not apply to a case prescribed in item (iii), if the client of the case that the patent attorney corporation has already taken on has given consent:

- (i) a case which the counterparty has consulted the patent attorney corporation about and the patent attorney corporation has provided support or has agreed to take on;
 - (ii) a case which the counterparty has consulted the patent attorney corporation about and the extent and the manner of the consultation is found to be based on a relationship mutual trust;
 - (iii) a different case that the counterparty to the case that the patent attorney corporation has already accepted requested the patent attorney to take on; or
 - (iv) a case in which half or more of the members of the patent attorney corporation may not become involved because it is a case stated in the items of paragraph (3).
- (2) A member or employee of a patent attorney corporation must not perform services for a case stated in the items of the preceding paragraph for personal benefit or the benefit of a third party.
- (3) A member, etc. of a patent attorney corporation must not become involved in services for a case falling under any of the following items that is performed by the patent attorney corporation:
- (i) a case which the counterparty consulted the member, etc. about and the member, etc. provided support before the member, etc. joined the patent attorney corporation, or agreed to take on;

- (ii) a case which the counterparty consulted the member, etc. before the member etc. joined the patent attorney corporation, and the extent and the manner of the consultation was found to be based on a relationship of mutual trust;
- (iii) a case that a member, etc. has handled in the course of duties as a government employee;
- (iv) a case that a member, etc. has handled as an arbitrator in an arbitration proceeding; or
- (v) a case which, during the period that a member, etc. was engaged in the services of another patent attorney corporation as its member, etc. before becoming a member, etc. of the patent attorney corporation, the counterparty consulted the other patent attorney corporation about and the other patent attorney corporation provided support, or agreed to take on, which the member, etc. personally became involved in; or
- (vi) a case which, during the period that a member, etc. was engaged in the services of another patent attorney corporation as its member, etc. before becoming a member, etc. of the patent attorney corporation, the counterparty consulted the other patent attorney corporation about and the extent and the manner of the consultation was found to be based on a relationship of mutual trust, which the member, etc. personally became involved in.

(Manner of Executing Services)

Article 49 A patent attorney corporation must not have a person who is not a patent attorney conduct its services.

(Application Mutatis Mutandis of Provisions on the Obligation of Patent Attorneys)

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

(Statutory Withdrawal)

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

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

(Dissolution)

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

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

(Continuation of Patent Attorney Corporations)

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

(Court Supervision)

- Article 52-3 (1) The dissolution and liquidation of a patent attorney corporation is subject to the supervision of the court.
- (2) The court may conduct the necessary inspections for the supervision referred to in the preceding paragraph at any time by the court's own authority.
- (3) A court that supervises 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 conduct an investigation.
- (4) The Minister of Economy, Trade and Industry may express opinions to the court prescribed in the preceding paragraph.

(Notification of Completion of Liquidation)

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

(Jurisdiction of Cases Concerning Supervision of Dissolution and Liquidation)

Article 52-5 A case concerning supervision of the dissolution and liquidation of a

patent attorney corporation is subject to the jurisdiction of the district court that has jurisdiction over the locality of the principal office of the patent attorney corporation.

(Appointment of Inspectors)

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

- (2) An appeal may not be filed against the judicial decision to appoint the inspector referred to in the preceding paragraph.
- (3) If the court appoints the inspector referred to in paragraph (1), the court may decide the amount of compensation to be paid by the patent attorney corporation to the inspector. In such a case, the court must hear the statements of the patent attorney corporation and the inspector.

(Mergers)

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

- (2) A merger becomes effective when a registration of the merger is made by the patent attorney corporation surviving the merger, or the patent attorney corporation established in the merger, in the locality of its principal office.
- (3) If a patent attorney corporation merges, it must give a notification of that fact with the Minister of Economy, Trade and Industry within two weeks after the date of the merger, together with the certificate of registered information (for a patent attorney corporation to be established in the merger, the certificate of registered information and the articles of incorporation).
- (4) The patent attorney corporation surviving the merger or the patent attorney corporation established in the merger succeeds to the rights and obligations of the patent attorney corporations that disappears in the merger.

(Objection by Creditors)

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

- (2) A patent attorney corporation that undergoes a merger must issue public notice of the following matters in an Official Gazette, and separately issue a demand to each known creditor of that fact; provided, however, that the period referred to in item (iii) may not be shorter than one month:
 - (i) the fact that the patent attorney corporation will undergo a merger;
 - (ii) the names and the locations of the principal office of a patent attorney corporation disappearing in the merger, and the patent attorney corporation

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

(Action to Invalidate a Merger)

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

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

(Dispositions on Illegal Acts)

- Article 54 (1) When a patent attorney corporation violates this Act or an order based on this Act, or when its operations are found to be extremely inappropriate, the Minister of Economy, Trade and Industry may admonish or order the patent attorney corporation to suspend all or part of its services by specifying a period of no longer than two years, or may order the corporation to dissolve.
- (2) The provisions of Article 33, Article 34, and Article 36 apply mutatis mutandis to a disposition referred to in the preceding paragraph.
- (3) When a patent attorney corporation is to be punished pursuant to the provisions of paragraph (1), and there is a fact that falls under Article 32 concerning a member, etc. of that patent attorney corporation, the provisions of that paragraph must not be construed to preclude a disciplinary action to be taken against the patent attorney that is a member, etc. of that patent attorney corporation together with the punishment.

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

- Article 55 (1) The provisions of Article 4 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) and Article 600, Article 614 through Article 619, Article 621, and Article 622 of the Companies Act apply mutatis mutandis to a patent attorney corporation; the provisions of Article 581, Article 582, Article 585, paragraphs (1) and (4), Article 586, Article 593 through Article 596, Article 601, Article 605, and Article 606, Article 609, paragraphs (1) and (2), Article 611 (excluding the proviso of paragraph (1)) and Article 613 of the Companies Act apply mutatis mutandis to members of a patent attorney corporation; the provisions of Article 859 through Article 862 of the Companies Act apply mutatis mutandis to the expulsion of members of a patent attorney corporation, and action to extinguish the right to perform their services 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 term "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 term "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 prescribed in Article 75 of the Patent Attorneys Act; the same applies in paragraph (1), item (ii) of the following Article)".

(2) The provisions of Article 644 (excluding item (iii)), Article 645 through Article 649, Article 650, paragraphs (1) and (2), Article 651, paragraphs (1) and (2) (excluding the part related to the application, mutatis mutandis of Article 594 of the Companies Act), Article 652, Article 653, Article 655 through Article 659, Article 662 through Article 664, Article 666 through Article 673, Article 675, Article 863, and Article 864, Article 868, paragraph (1), Article 869, Article 870, paragraph (1) (limited to the part related to items (i) and (ii)), Article 871 and Article 872 (limited to the part related to item (iv)), Article 874 (limited to the part related to items (i) and (iv)), Article 875, and Article 876 of the Companies Act apply mutatis mutandis to the dissolution and liquidation of a patent attorney corporation. In such a case, the term "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 term "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 term "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 term "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 term "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"; the term "Article 580" in Article 673, paragraph (1) of the Companies Act is deemed to be replaced with "Article 47-4 of the Patent Attorneys Act".

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

Article 870, paragraph (1) (limited to the part related to item (i)), Article 871, and Article 872 (limited to the part related to items (i) and (iv)), Article 873, Article 874 (limited to the part related to items (ii) and (iii)), Article 875, Article 876, Article 905, and Article 906 of that Act apply mutatis mutandis to the preservation of the property of a patent attorney corporation if a petition referred to in Article 824, paragraph (1) of that Act as applied mutatis mutandis pursuant to this paragraph has been filed.

- (4) The provisions of Article 828, paragraph (1) (limited to the part related to item (i)) and paragraph (2) (limited to the part related to item (i)), Article 834 (limited to the part related to item (i)), Article 835, paragraph (1), Article 837 through Article 839, and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the establishment of a patent attorney corporation.
- (5) The provisions of Article 833, paragraph (2), Article 834 (limited to the part related to item (xxi)), Article 835, paragraph (1), Article 837, Article 838, and Article 846, and Article 937, paragraph (1) (limited to the part related to item (i), (ii)) of the Companies Act apply mutatis mutandis to an action to seek dissolution of a patent attorney corporation.
- (6) To apply the provisions of Article 16 of the Bankruptcy Act (Act No. 75 of 2004), a patent attorney corporation is deemed to be a general partnership company.

Chapter VII Japan Patent Attorneys Association

(Establishment, Purpose, and Legal Personality)

- Article 56 (1) A patent attorney must establish one Japan Patent Attorneys Association for the whole country (referred to below as the "Patent Attorneys Association" in this Chapter) pursuant to the provisions of this Act.
- (2) The purpose of the Patent Attorneys Association is to conduct affairs concerning the instruction, communication, and supervision of its members in order to maintain the integrity of the patent attorney profession and advance and improve the services of patent attorneys and patent attorney corporation, and conduct affairs concerning the registration of a patent attorney, in view of the mission and responsibilities of patent attorneys and patent attorney corporation.
 - (3) The Patent Attorneys Association is a corporation.

(Articles of Association)

- Article 57 (1) The Patent Attorneys Association must establish articles of association and state the following matters in the articles of association:
- (i) the name and location of its office;

- (ii) the provisions on admission and withdrawal of members of the Association;
- (iii) the provisions on the types of members, and their rights and obligations;
- (iv) the provisions on officers;
- (v) the provisions on meetings;
- (vi) the provisions on branches;
- (vii) the provisions on the registration of patent attorneys;
- (viii) the provisions on the registration screening board;
- (ix) the provisions on maintenance of integrity of members;
- (x) the provisions on the training of members;
- (xi) the provisions on practical training;
- (xii) the provisions on the conciliation of disputes related to members' services;
- (xiii) the provisions on the provision of information concerning the Patent Attorneys Association and its members;
- (xiv) the provisions on membership fees;
- (xv) the provisions on accounting and assets;
- (xvi) the provisions on the secretariat; and
- (xvii) other necessary provisions for achieving the purpose of the Patent Attorneys Association.

(2) Enactment of or changes to the articles of association (limited to changes of important matters specified by Cabinet Order) do not become effective without the authorization of the Minister of Economy, Trade and Industry.

(Branches)

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

(Registration)

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

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

(Admission and Withdrawal of Members)

Article 60 A patent attorney and a patent attorney corporation is automatically admitted to the Patent Attorneys Association as a member, and a patent attorney is to automatically withdraw from the Association when the registration with the Association deleted and a patent attorney corporation is to automatically withdraw from the Association when it is dissolved.

(Disposition of Removal by Patent Attorneys Association)

Article 61 With the authorization of the Minister of Economy, Trade and Industry, the Patent Attorneys Association may remove any member who presents a risk of disrupting the order or harming the reputation of the Patent Attorneys Association.

(Obligation to Observe the Articles of Association)

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

(Officers)

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

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

(3) The vice president assists the president, represents the duties of the president when the president is unavailable, and performs the duties of the president if the position is vacant, as specified by the president.

(4) Unless prohibited by the articles of association or general meeting resolutions, officers may delegate other persons to represent them in performing specified acts.

(General Meetings)

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

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

(Matters Requiring Resolution at General Meetings)

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

(Reporting General Meeting Resolutions)

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

(Conciliation of Disputes)

Article 67 The Patent Attorneys Association may conduct a conciliation for a dispute on the services of its member at the request of a member, a party to the dispute, or other persons concerned.

(Proposals and Responses)

Article 68 The Patent Attorneys Association may make proposals on services of or systems for patent attorneys to the Minister of Economy, Trade and Industry or the Commissioner of the Japan Patent Office, or respond to their consultations.

(Reporting Facts that Fall Under Grounds for Disciplinary Actions)

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

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

(Registration Screening Board)

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

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

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

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

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

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

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

(Reports and Inspections)

Article 71 (1) When the Minister of Economy, Trade and Industry finds it necessary to ensure the proper operation of the Patent Attorneys Association, the Minister may request the Association to make a report or submit materials,

or have their employee enter the office of the Patent Attorneys Association and inspect its books and other objects.

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

(Invalidation of General Meeting Resolutions)

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

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

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

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

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

Chapter VIII Miscellaneous Provisions

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

Article 75 A person that is not a patent attorney or a patent attorney corporation may not engage in the services of acting as an agent for procedures taken at the Japan Patent Office for patents, utility models, designs, or trademarks, or international applications, applications for international registration of designs, or applications for international registration of trademarks, acting as an agent for procedures taken with the Minister of Economy, Trade and Industry concerning requests for review under the provisions of the Administrative Complaint Review Act or ruling, on patents, utility models, designs, or trademarks (excluding acting as an agent for procedures of paying patent fees, applying for registration in the patent register, and other procedures specified by Cabinet Order), or engage in the

services of preparing expert opinions or documents or electronic or magnetic records (meaning a record created in electronic form, magnetic form, or any other form that cannot be perceived by human senses which is used for information processing by computers) specified by Cabinet Order, on matters concerning those procedures in response to requests from other persons and by receiving remuneration.

(Restriction on Use of Names)

Article 76 (1) A person that is not a patent attorney must not use the title "弁理士" (pronounced "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" (pronounced "tokkyo jimusho" and meaning "patent office") or any similar title.

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

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

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

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

(Disclosure of Information on Patent Attorneys)

Article 77-2 (1) The Minister of Economy, Trade and Industry and the Japan Patent Attorneys Association are to disclose information on a patent attorney which is specified by Order of the Ministry of Economy, Trade and Industry, taking into consideration the necessity to protect a patent attorney's personal information as information particularly necessary for a person seeking to hire a patent attorney to have for appropriately selecting a patent attorney, among the information concerning patent attorneys each of them possesses.

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

(3) A patent attorney must endeavor to provide a person seeking to hire a patent attorney with information that contributes to appropriately selecting a patent attorney.

Chapter IX Penal Provisions

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

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

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

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

(2) The offense referred to in the preceding paragraph may not be prosecuted unless a complaint is filed.

Article 80-2 When an order of suspension of affairs on practical training under the provisions of Article 16-12, paragraph (2) has been violated, an officer or employee of the designated training organization that committed the violation is subject to imprisonment for not more than six months or a fine of not more than five hundred thousand yen.

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

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

Article 81-2 A person that has failed to enter or record the matters specified by Ministry of Justice Order concerning the electronic public notice investigation prescribed in Article 955, paragraph (1) of the Companies Act in the

investigation record book, etc. prescribed in that paragraph or has made a false entry or record, or has failed to preserve the investigation record book, etc., in violation of the provisions of that paragraph as applied *mutatis mutandis* pursuant to Article 53-2, paragraph (6), is subject to a fine of not more than three hundred thousand yen.

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

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

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

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

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

- (i) a person that has not made a report, or has made a false report, in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied *mutatis mutandis* pursuant to Article 53-2, paragraph (6); or
- (ii) a person that has refused a request stated in the items of Article 951,

paragraph (2) or the items of Article 955, paragraph (2) of the Companies Act, as applied mutatis mutandis pursuant to Article 53-2, paragraph (6), without legitimate grounds.

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

- (i) when the person fails to register themselves in violation of the provisions of Cabinet Order based on this Act;
- (ii) when the person merges in violation of Article 53-2, paragraph (2) or (5);
- (iii) when the person fails to request an investigation referred to in Article 941 of the Companies Act as applied mutatis mutandis pursuant to Article 53-2, paragraph (6) in violation of the provisions of Article 941 of that Act;
- (iv) when the person fails to make an entry or record the matters that should be entered or recorded in the articles of incorporation, or the accounting books referred to 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 pursuant to Article 55, paragraph (1), or makes a false entry or record;
- (v) when the person fails to file a petition to commence bankruptcy proceedings in violation of the provisions of Article 656, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 55, paragraph (2);
- (vi) when the person distributes their property in violation of the provisions of Article 664 of the Companies Act as applied mutatis mutandis pursuant to Article 55, paragraph (2); or
- (vii) when the person disposes their property 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).