

Rules of Civil Procedure

(Rules of the Supreme Court No. 5 of December 17, 1996)

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Part I General Provisions
Chapter I General Rules

(Method of Filing Motions or Statements)

Article 1 (1) A motion or statement (meaning a motion or statement prescribed in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996; referred to below as the "Code"); the same applies below) may be filed in writing or orally, except as otherwise provided.

(2) To file a motion or statement orally, a statement must be made in the presence of a court clerk. In this case, the court clerk must record the content of the statement in an electronic record and record that in a file stored on a computer (including an input and output device; the same applies below) used by the court (referred to below simply as "the court's computer files" except in Article 33-3 (Method of Inspection of Electronic or Magnetic Case Records), paragraph (2), item (i)).

(3) If the electronic record referred to in the preceding paragraph is prepared in lieu of submitting a document to be served, the electronic record must be served on the parties concerned.

(Method of Recording Electronic Records in the Court's Computer Files)

Article 1-2 When a court clerk prepares an electronic record and records it in the court's computer files, the court clerk must indicate that the electronic record has been prepared by that court clerk and take the necessary measures to prevent the electronic record from being altered.

(Matters to Be Included in a Document Which a Party is to Submit to a Court)

Article 2 (1) A complaint, brief, or any other document to be submitted to a court by a party or their agent is to state the following matters, and the party or agent is to affix their name to that document (or affix their name and seal if the document, when submitted, commences, continues, stays, or concludes litigation proceedings):

(i) the name and address of the party and the name and address of the agent;

- (ii) information identifying the case;
 - (iii) indication of any annexed documents;
 - (iv) the date; and
 - (v) information specifying the court.
- (2) Notwithstanding the provision of the preceding paragraph, if a party or their agent submits the document referred to in that paragraph containing their address, they are not required to include their address in any subsequent document referred to in that paragraph that is submitted to the court.

(Submission by Transmission via Facsimile of a Document to Be Submitted to a Court)

Article 3 (1) A document to be submitted to a court, excluding those stated in the following items, may be submitted by transmission via facsimile:

- (i) a document for a petition for which fees must be paid pursuant to the provisions of the Act on the Costs of Civil Proceedings (Act No. 40 of 1971);
 - (ii) a document related to the notification under Article 133 (Concealing a Petitioner's Domicile or Identifying Information), paragraph (2) of the Code (referred to as the "written anonymity notification" in Chapter VIII (Concealing Parties' Domiciles and Identifying Information));
 - (iii) a document that, when submitted, commences, continues, stays, or concludes litigation proceedings (other than a document falling under item (i));
 - (iv) a document that proves the authority to act as a person's legal representative, the delegation of powers necessary for performing procedural acts, or the authority of a litigation representative, or any other document proving important matters in litigation proceedings;
 - (v) a statement of reasons for a final appeal, a statement of reasons for a petition for acceptance of final appeal, or any other statement of reasons equivalent to those statements.
- (2) If a document has been submitted via facsimile, the document is deemed to have been submitted to the court when the court receives it.
- (3) If a court finds it necessary in the case prescribed in the preceding paragraph, it may have the person submitting a document submit the document used in the relevant transmission.

(Provision by Electronic or Magnetic Means of Information Stated in a Document Submitted to the Court)

Article 3-2 (1) If a person who has submitted or intends to submit a document to the court has an electronic or magnetic record (meaning a record used in computer data processing which is created in electronic form, magnetic form,

- or any other form that cannot be perceived by the human senses; the same applies below) in which the content of the data stated in the document has been recorded, the court may request the person to provide the data recorded in the electronic or magnetic record by an electronic or magnetic means (meaning a means that involves using an electronic data processing system or any other means that involves using information and communications technology; the same applies in Article 87 (Method of Explanation by a Party Under Article 167 of the Code), paragraph (1) and Article 94 (Method of Explanation by a Party Under Article 178 of the Code), paragraph (1)) specified by the court, if the electronic or magnetic record is to be used to prepare an electronic judgment or if the court finds it otherwise necessary.
- (2) If the court intends to send a document or finds it otherwise necessary, it may request the person who has submitted or intends to submit that document to the court to submit a copy of that document.

(Demands and Notices)

- Article 4 (1) A demand or notice in civil action proceedings may be made or given by a method that is considered to be appropriate.
- (2) When making a demand or giving a notice, a court clerk must record in the case record the fact that the demand or notice was made and the method by which it was made.
- (3) If the whereabouts of the person who is to receive the demand is unknown or if that person is in a foreign country, it is sufficient to make the demand by issuing a public notice of the matters being demanded. In this case, the public notice is to be issued by taking measures to make the matters available for inspection to a large number of unspecified persons using a method that falls under all of the following items and uses an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by a person inspecting the matters and conforming to the technical standards specified by the Supreme Court, as well as by taking measures to post a document stating those matters in the posting area of the court or any other place within the court that is easily visible to the public, or to make the matters displayed on the screen of a computer installed in the court available for inspection:
- (i) a means that displays the matters being demanded which are recorded in the court's computer files on the screen of a computer used by a person who inspects the matters;
 - (ii) a means that uses an automatic public transmission server (meaning an automatic public transmission server as prescribed in Article 2 (Definitions), paragraph (1), item (ix) - 5, (a) of the Copyright Act (Act No. 48 of 1970); the

same applies in Article 46 (Method of Effecting Service by Publication), paragraph (1), item (ii)) connected to the Internet.

- (4) The demand under the provisions of the preceding paragraph becomes effective when one week has elapsed from the day on which the relevant public notice was issued.
- (5) It is not necessary to give a notice under the provisions of these Rules (excluding a notice under the provisions of Article 46, paragraph (2)) if the whereabouts of the person who is to receive the notice are unknown or if that person is located in a foreign country. In this case, a court clerk must record in the case record the reason for dispensing with notice.
- (6) It is permissible to have a court clerk give a notice to a party to the case or any other persons concerned.

(Manner of Writing a Case Document)

Article 5 A case document must be written in concise sentences and in an orderly and clear manner.

Chapter II The Courts

Section 1 Jurisdiction

(Designation of Location of General Venue; Article 4 of the Code)

Article 6 The place specified by the Rules of the Supreme Court referred to in Article 4 (Jurisdiction by General Venue), paragraph (3) of the Code is Chiyoda Ward, Tokyo.

(Designation of the Location of the Judicial Registry If the Court with Jurisdiction Is Not Determined; Article 10-2 of the Code)

Article 6-2 The place specified by the Rules of the Supreme Court referred to in Article 10-2 (Special Provisions on the Court of Jurisdiction) of the Code is Chiyoda Ward, Tokyo.

(Method of Filing a Petition for Transfer; Article 16 of the Code)

Article 7 (1) A petition for transfer must be filed in writing, except when it is filed on an appearance date.

(2) When the petition referred to in the preceding paragraph is filed, the reasons for the petition must be stated.

(Handling in Discretionary Transfer; Article 17 of the Code)

Article 8 (1) If a petition referred to in Article 17 (Transfer to Avoid Delay), Article 18 (Discretionary Transfer by the Summary Court), or Article 20-2 (Transfer of Litigation in a Prescribed IP Action) of the Code has been filed by

a party, the court is to issue an ruling after hearing the opinion of the adverse party.

- (2) If a court issues a ruling ordering a transfer under Article 17, Article 18 or Article 20-2 of the Code by its own authority, it may hear the opinion of the parties.

(Handover of Records Upon Transfer; Article 22 of the Code)

Article 9 When a decision of transfer becomes final and binding, a court clerk of the court that made the decision of transfer must hand over the management of the case record to the court clerk of the court to which the case has been transferred.

Section 2 Disqualification of, Challenge to, and Recusal of Court Officials

(Method of Filing a Petition for Disqualification or Challenge; Article 23 of the Code)

Article 10 (1) A petition to disqualify or challenge a judge must be filed with the court to which the judge belongs, clearly indicating the grounds for that petition.

- (2) The petition referred to in the preceding paragraph must be filed in writing, except when the petition is filed on an appearance date.

- (3) A prima facie showing of the grounds for disqualification or challenge must be made within three days from the date of filing the petition. The same applies to the facts prescribed in the proviso to paragraph (2) of Article 24 (Challenging a Judge) of the Code.

(Statement of Opinions by a Judge with Regard to Disqualification or Challenge; Article 25 of the Code)

Article 11 A judge may state their opinion on a petition to disqualify or challenge the judge.

(Recusal of a Judge)

Article 12 In the cases prescribed in Article 23 (Disqualifying a Judge), paragraph (1) or Article 24 (Challenging a Judge), paragraph (1) of the Code, a judge may recuse themselves by obtaining the permission of the court that has the power of supervision.

(Mutatis Mutandis Application to Court Clerks; Article 27 of the Code)

Article 13 The provisions of this Section apply mutatis mutandis to a court clerk.

In this case, a summary court's permission for a court clerk's recusal is given by the judge prescribed in Article 37 (Functions Involved in Judicial Administration) of the Court Act (Act No. 59 of 1947) of the court to which the relevant court clerk belongs.

Chapter III The Parties

Section 1 Capacity as a Party and Capacity to Sue or Be Sued

(Submission of Materials for Determining a Non-Corporate Association's or Foundation's Capacity as a Party; Article 29 of the Code)

- Article 14 (1) A court may have a party that has sued or has been sued as an association or foundation that is not a corporation but for which a representative or administrator is designated submit the articles of incorporation or any other materials necessary for determining whether or not the relevant party has the capacity to be a party.
- (2) In the case referred to in the preceding paragraph, if the relevant materials are prepared in the form of a paper document, etc. (meaning a paper document, a document, a transcript, an extract, an authenticated copy, a duplicate, a copy, or any other paper or other tangible object on which information that can be perceived by the human senses, such as characters and shapes, is stated; the same applies below), a party may, in lieu of submitting the paper document, etc., submit it by recording the image data of the paper document, etc. in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court.
- (3) When submitting the materials referred to in paragraph (1), in the cases stated in the following items, a person stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code must, pursuant to the provisions of the detailed regulations of the Supreme Court, submit the materials specified in each of those items by recording them in the court's computer files using the electronic data processing system referred to in Article 52-10, paragraph (1); provided, however, that this does not apply to the cases prescribed in Article 132-11, paragraph (3) of the Code:
- (i) if the material is prepared in the form of a paper document, etc.: image data of the paper document, etc.;
 - (ii) if the material is prepared in the form of an electronic or magnetic record: the electronic or magnetic record.
- (4) When the image data of a paper document, etc. is submitted pursuant to the provisions of the preceding two paragraphs, and if the court finds it necessary,

the court may request the presentation of the original of the paper document, etc.

(Proof of the Authority to Act as a Person's Legal Representative; Article 34 of the Code)

Article 15 (1) The authority to act as a person's legal representative or the delegation of powers necessary for performing procedural acts must be proved in writing or by electronic or magnetic records.

(2) A person stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, pursuant to the provisions of the detailed regulations of the Supreme Court, must submit image data or electronic or magnetic records of a document proving the authority to act as a person's legal representative or the delegation of powers necessary for performing procedural acts by recording those data or records in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1); provided, however, that this does not apply to the cases prescribed in Article 132-11, paragraph (3) of the Code.

(3) When the image data of a document is submitted pursuant to the provisions of the preceding paragraph, and if the court finds it necessary, the court may request the presentation of the original of the document.

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to the selection and change of an appointed party.

(Notice of Judicial Decision of Appointment or Replacement of Special Representatives; Article 35 of the Code)

Article 16 A notice of judicial decision on the appointment or replacement of a special representative must also be given to the special representative.

(Notification of Extinction of the Authority to Act as a Person's Legal Representative; Article 36 of the Code)

Article 17 A person who has given a notice of extinction of the authority to act as a person's legal representative must notify the court of that fact in writing. The same applies to a person who has given a notice of voidance of the appointment as an appointed party or of their change.

(Mutatis Mutandis Application to Representatives of Corporations; Article 37 of the Code)

Article 18 (1) In these Rules, the provisions concerning statutory representation

and legal representatives apply mutatis mutandis to a representative of a corporation and to a representative or administrator of an association or foundation that is not a corporation but is capable of suing or being sued under its name.

- (2) If a party provides the court with the corporate identification number (meaning the corporate identification number as prescribed in Article 7 (Corporate Identification Number) of the Commercial Registration Act (Act No. 125 of 1963) (including as applied mutatis mutandis pursuant to other laws and regulations); the same applies in Article 51 (Method of Filing a Petition for Substitution in Litigation Proceedings), paragraph (6)), thereby enabling the court to obtain information on the matters recorded in the register using an electronic data processing system, the party is deemed to have recorded the matters recorded in the register in the court's computer files as the information necessary for the proof referred to in Article 15 (Proof of the Authority to Act as a Person's Legal Representative), paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph.
- (3) In the case prescribed in the preceding paragraph, a court clerk may request a registrar to provide information on the matters recorded in the register referred to in that paragraph to the extent necessary for processing the case.

Section 2 Joint Litigation

(Revocation of Application for Simultaneous Trial and Decision; Article 41 of the Code)

- Article 19 (1) The request referred to in Article 41 (Joint Litigation Involving a Request for a Simultaneous Trial and Decision), paragraph (1) of the Code may be withdrawn at any time until the time of the conclusion of oral arguments in the court of second instance.
- (2) The request referred to in the preceding paragraph or the withdrawal of that request must be made in writing, except when the request or withdrawal is made on an appearance date.

Section 3 Intervention

(Service of a Written Application for Supporting Intervention; Article 43 of the Code)

- Article 20 (1) A written application for supporting intervention must be served upon both parties.
- (2) The service prescribed in the preceding paragraph is effected by serving a duplicate submitted by the person who has filed the application for supporting

intervention (if the application for supporting intervention is filed by the method referred to in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, the document prescribed in Article 109 (Effecting Service Using Paper Documents onto Which the Information Included in Electronic or Magnetic Records Has Been Output) of the Code submitted by the person who has filed the application (referred to below as "the generated document to be served")).

- (3) The provisions of the preceding paragraph do not apply to service on a party that has filed the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code.
- (4) The provisions of the preceding two paragraphs apply mutatis mutandis to the service of a written application for intervention under the provisions of Article 47 (Intervention as an Independent Party), paragraph (1) and Article 52 (Intervention as a Co-Litigant), paragraph (1) of the Code.

(Method of Filing a Petition for Assumption of Litigation; Article 50 of the Code)

Article 21 A petition for the assumption of litigation must be filed in writing, except when the petition is filed on an appearance date.

(Service of a Written Notice of Litigation; Article 53 of the Code)

Article 22 (1) A written notice of litigation must be served upon a person who is to receive the notice of litigation.

- (2) The service prescribed in the preceding paragraph is made by serving a duplicate submitted by the party who has given notice of litigation (if a notice of litigation has been given by the method referred to in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, the generated document to be served which has been submitted by that party).
- (3) The provisions of the preceding paragraph do not apply if the person who is to receive a notice of litigation files the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code before being served with a written notice of litigation.
- (4) The court must send the document referred to in paragraph (1) to the adverse party.

Section 4 Litigation Representatives

(Proof of Authority to Act as a Person's Litigation Representative; Article 54 of the Code)

Article 23 (1) The authority of a litigation representative must be proved in writing or by electronic or magnetic records.

(2) If the document or electronic or magnetic record referred to in the preceding paragraph has been prepared by a private person, the court may order the litigation representative to have it certified by a notary or any other public officer with the authority to certify.

(3) The provisions of Article 15 (Proof of the Authority to Act as a Person's Legal Representative), paragraphs (2) and (3) apply mutatis mutandis when a person stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code proves the authority referred to in paragraph (1).

(4) A person who has given notice of the extinguishment of the powers of a litigation representative must notify the court of that fact in writing.

(Appointment of a Litigation Representative in Charge of Liaison)

Article 23-2 (1) If one of the parties has multiple litigation representatives (including when the parties are co-litigants and have different litigation representatives), the litigation representatives may appoint a litigation representative to be in charge of liaison (referred to below as the "contact litigation representative" in this Article) from among them.

(2) The contact litigation representative may communicate with the court and the adverse party, prepare to arrange issues and evidence, prepare proposed terms of settlement, and perform other acts that are necessary for a smooth trial, on behalf of the litigation representatives who have appointed that contact litigation representative; provided, however, that this does not apply to a procedural act.

(3) The litigation representatives that have appointed a contact litigation representative must file a written notification of this with the court and notify the adverse party of that appointment.

Chapter IV Court Costs

Section 1 Bearing of Court Costs

(Method of Filing a Petition Seeking to Fix the Amount of Court Costs; Article 71 of the Code)

Article 24 (1) The petition referred to in Article 71 (Procedures for Fixing the Amount of Court Costs), paragraph (1), Article 72 (Procedures for Fixing the Amount of Costs in a Settlement), or Article 73 (Handling When Litigation Is

Concluded Not by Judicial Decision or Settlement), paragraph (1) of the Code must be filed in writing.

- (2) When seeking a disposition to fix the amount of court costs or settlement costs to be borne (referred to below as "the court costs, etc." in this Section) by filing a petition referred to in the preceding paragraph, a person filing that petition must submit to the court clerk a statement of costs and the materials necessary for a prima facie showing of the amount of costs, and must send that written petition and the statement of costs directly as referred to in Article 47-2 (Direct Sending of Documents or Electronic or Magnetic Records), paragraph (1).
- (3) If the materials referred to in the preceding paragraph are prepared in the form of paper documents, etc., the person filing the petition referred to in paragraph (1) (excluding those prescribed in the following paragraph), in lieu of submitting the paper documents, etc., may submit them by recording the image data of the paper documents, etc. in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court.
- (4) When submitting the materials referred to in paragraph (2), in the cases stated in the following items, a person stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code who files a petition referred to in paragraph (1) must submit the materials specified in each of those items by recording them in the court's computer files using the electronic data processing system referred to in Article 52-10, paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court; provided, however, that this does not apply to the cases prescribed in Article 132-11, paragraph (3) of the Code.
 - (i) if the material is prepared in the form of a paper document, etc.: image data of the paper document, etc.;
 - (ii) if the material is prepared in the form of an electronic or magnetic record: the electronic or magnetic record.
- (5) If the image data of a paper document, etc. is submitted pursuant to the provisions of the preceding two paragraphs, and if a court clerk finds it necessary, the court clerk may request the presentation of the original of the paper document, etc.

(Demands to the Adverse Party; Article 71 of the Code)

Article 25 (1) Before issuing a disposition to fix the amount of the court costs, etc. to be borne, a court clerk must demand that the adverse party submit,

within a certain period, a document of costs, materials necessary for a prima facie showing of the amount of costs, and a document or electronic or magnetic record stating or recording the adverse party's statement regarding the contents of the petitioner's statement of costs; provided, however, that this does not apply if only the adverse party bears the court costs, etc. and the amount of the court costs, etc. to be borne by the petitioner is clear from the record.

- (2) The provisions of paragraphs (3) through (5) of the preceding Article (Method of Filing a Petition Seeking to Fix Amount of Court Costs) apply mutatis mutandis to the submission of materials necessary for a prima facie showing of the amount of costs referred to in the preceding paragraph.
- (3) If the adverse party fails to submit a statement of costs or the materials necessary for a prima facie showing of the amount of costs within the period referred to in paragraph (1), the court clerk may issue a disposition to fix solely with respect to the petitioner's costs, the amount of the court costs, etc. to be borne; provided, however, that this does not preclude the adverse party from filing a petition to fix the amount of the court costs, etc. to be borne.

(Method of Issuing a Disposition to Fix the Amount of Costs; Article 71 of the Code)

Article 26 When issuing a disposition to fix the amount of the court costs, etc. to be borne, a court clerk must prepare an electronic or magnetic record in which the details of the disposition are recorded and record it in the court's computer files. In this case, the court clerk must indicate that the electronic or magnetic record has been prepared by the court clerk and take the necessary measures to prevent any alterations of the electronic or magnetic record.

(Cases Specified by the Rules of the Supreme Court Referred to in Article 71, Paragraph (3) of the Code)

Article 27 The cases specified by the Rules of the Supreme Court referred to in Article 71 (Procedures for Fixing the Amount of Court Costs), paragraph (3) of the Code are the cases where the adverse party does not submit the statement of costs or materials necessary for a prima facie showing of the amount of costs referred to in Article 25 (Demands to the Adverse Party), paragraph (1) within the period referred to in that paragraph.

(Method of Filing a Petition for Correction of a Disposition to Fix the Amount of Costs; Article 74 of the Code)

Article 28 A petition for correction of a disposition to fix the amount of the court costs, etc. to be borne must be filed in writing.

Section 2 Security for Court Costs

(Method of Providing Security Specified by the Rules of the Supreme Court
Referred to in Article 76 of the Code)

Article 29 (1) Security under the provision of Article 76 (Manner of Providing Security) of the Code may be provided by having the person who has been ordered to provide security, with the permission of the court, conclude a contract for consignment of payment guarantee that satisfies the following requirements with a bank, an insurance company, the Shoko Chukin, Ltd., the Norinchukin, a federation of credit unions whose district is the entire nation, a credit union, or a labor bank (referred to below as "the bank, etc." in this Article):

- (i) the bank, etc., on behalf of the person who has been ordered to provide security, pays the security interest holder money in the amount indicated in the title of the obligation to the right to reimbursement of court costs related to the security or a document that confirms the existence of that right to reimbursement of court costs and has the same effect as a final and binding judgment, within the limit of the amount specified by the court;
 - (ii) the contract ceases to be effective when a ruling ordering to rescind security becomes final and binding;
 - (iii) it is not possible to change or cancel the contract;
 - (iv) upon request from the security interest holder, the bank, etc. delivers to that holder a document proving that the contract has been concluded.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to the method of providing security specified by the Rules of the Supreme Court referred to in Article 76 (Manner of Providing Security) of the Code as applied mutatis mutandis pursuant to Article 81 (Mutatis Mutandis Application to Security under Other Laws and Regulations), Article 259 (Declaration of Provisional Enforcement), paragraph (6), (including as applied mutatis mutandis pursuant to the Code), Article 376 (Declaration of Provisional Enforceability), paragraph (2), Article 405 (Provision of Security), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to other laws and regulations) and as applied mutatis mutandis pursuant to any other laws and regulations. In this case, the phrase "right to reimbursement of court costs" in item (i) of the preceding paragraph is deemed to be replaced with "claim" and the phrase "a document that confirms the existence of such right to reimbursement of court costs and has the same effect as a final and binding judgment" in the same item is deemed to be replaced with "a final and binding judgment that confirms the existence of such right to reimbursement of court

costs or a document that has the same effect as that judgment".

Section 3 Legal Aid

(Method of Filing a Petition for Aid; Article 82 of the Code)

Article 30 (1) A petition for legal aid must be filed in writing.

(2) The grounds for litigation aid must be shown on a prima facie basis.

Chapter V Litigation Proceedings

Section 1 Trial Litigation

(Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions; Article 87-2, Paragraph (1) of the Code)

Article 30-2 (1) When conducting proceedings on a date for oral arguments by the method prescribed in Article 87-2 (Oral Arguments Based on Communication Using Audiovisual Transmissions), paragraph (1) of the Code, the court must confirm the following matters:

(i) the party to the call; and

(ii) the conditions in the place where the party to the call is located are appropriate for conducting the proceedings by the relevant method.

(2) When the proceedings referred to in the preceding paragraph have been conducted, a statement confirming that fact and the matters stated in item (ii) of that paragraph must be recorded in an electronic record of oral arguments.

(Dates of Hearing Through Communication by Audio Transmissions; Article 87-2, Paragraph (2) of the Code)

Article 30-3 The provisions of the preceding Article apply mutatis mutandis when the proceedings on the date of the hearing are conducted by the method prescribed in Article 87-2 (Oral Arguments Based on Communication Using Audiovisual Transmissions), paragraph (2) of the Code.

(Designating Authorized Judges and Commissioning Court Procedures)

Article 31 (1) When the court has an authorized judge perform their duties, the presiding judge designates that judge.

(2) The commissioning procedures of a court are conducted by a court clerk, except as otherwise provided.

(Measures for Settlement; Article 89 of the Code)

Article 32 (1) A court, an authorized judge, or a commissioned judge (referred to below as "the court, etc.") may order the parties themselves or their legal

representative to appear for the purpose of settlement.

- (2) If the court, etc. finds it appropriate, it may arrange a settlement out of court.
- (3) If the proceedings on the date of settlement are conducted by a method that enables the court, etc. and both parties to communicate simultaneously with one another by audio transmissions, the court, etc. must confirm the following matters.
 - (i) the party to the call; and
 - (ii) the conditions in the place where the party to the call is located are appropriate for conducting the proceedings by the relevant method.
- (4) If the proceedings referred to in the preceding paragraph are conducted and the court, etc. has a court clerk prepare an electronic record regarding the results of those proceedings, the court, etc. must have the fact that those proceedings have been conducted and the matters stated in item (ii) of that paragraph recorded in the electronic record.

(Method of Making Requests to Inspect Case Records; Article 91 of the Code)

- Article 33 (1) A request for inspection, etc. of case records, or a request for issuance of a document certifying the matters concerning the litigation prescribed in Article 91-3 (Certifying Information Concerning the Litigation) of the Code or provision of an electronic or magnetic record certifying the relevant matters must be made in writing.
- (2) A request for inspection, etc. of a case record referred to in the preceding paragraph must provide information sufficient to identify the part of the case record related to the request.

(Forms of Authenticated Copies of Hard-Copy Records; Article 91 of the Code)

- Article 33-2 (1) An authenticated copy, transcript, or extract of a hard-copy case record must contain a statement confirming that it is an authenticated copy, transcript, or extract, and a court clerk must affix their name and seal to that copy, transcript, or extract.
- (2) If a copy of a hard-copy case record is submitted by the person who submitted the document subject to the inspection or copying, the inspection or copying may be allowed based on the submitted copy.

(Method of Inspection of Electronic or Magnetic Case Records; Article 91-2 of the Code)

- Article 33-3 (1) The methods specified by the Rules of the Supreme Court referred to in Article 91-2 (Access to Electronic or Magnetic Case Records), paragraph (1) of the Code are as follows:

- (i) displaying the content of an electronic or magnetic case record on the screen of a terminal installed on the court's premises (meaning a computer installed on the premises of the court for use in inspection, etc. of electronic or magnetic case records or for providing electronic or magnetic records for providing electronic or magnetic records certifying matters concerning litigation as prescribed in Article 91-3 (Certifying Information Concerning the Litigation) of the Code; the same applies below in this Article);
 - (ii) displaying the content of an electronic or magnetic case record on the screen of a computer used by a party or a third party who has made a prima facie showing of their interest (referred to as "the party, etc." in the following paragraph and Article 48 (Certification of a Final and Binding Judgment), paragraph (1)) using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1).
- (2) The methods specified by the Rules of the Supreme Court referred to in Article 91-2, paragraph (2) of the Code are as follows:
- (i) using the electronic data processing system referred to in Article 52-10, paragraph (1) to have the matters contained in the electronic or magnetic case record recorded in a file stored on the computer used by the party, etc.;
 - (ii) having a recording medium used by the party, etc. connected to a terminal installed on the court's premises and using that terminal to have the matters contained in the electronic or magnetic case record recorded on the recording medium.
- (3) A person who intends to inspect or copy an electronic or magnetic case record by a method stated in paragraph (1), item (i) or item (ii) of the preceding paragraph must enter the identification code for inspection, etc. that they have been notified of by the court clerk (meaning a code given by the court clerk to the person who has requested to inspect or copy the electronic or magnetic case record, each time a record is to be copied or inspected) into the terminal installed on the court's premises.
- (4) The method specified by the Rules of the Supreme Court referred to in Article 91-2, paragraph (3) of the Code for certifying that the content of a document stating all or part of the matters recorded in an electronic or magnetic case record is identical to the matters recorded in the electronic or magnetic case record involves stating in that document that the content of the document is identical to all or part of the matters recorded in the electronic or magnetic case record, and having a court clerk affix their name and seal to the document.
- (5) The method specified by the Rules of the Supreme Court referred to in Article 91-2, paragraph (3) of the Code for certifying that the content of an electronic

or magnetic record containing all or part of the matters recorded in an electronic or magnetic case record is identical to the matters recorded in the electronic or magnetic case record involves recording a statement certifying that the content of the electronic or magnetic record is identical to all or part of the matters recorded in the electronic or magnetic case record and having a court clerk apply an electronic signature (meaning an electronic signature as prescribed in Article 2 (Definitions), paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000); the same applies in paragraph (2) of the following Article (Method of Certifying Information Concerning a Litigation)) to the information recorded in the electronic or magnetic record.

- (6) The method specified by the Rules of the Supreme Court referred to in Article 91-2, paragraph (3) of the Code for the provision of an electronic or magnetic record involves using the methods stated in the items of paragraph (2) to record an electronic or magnetic record in which all or part of the matters recorded in the electronic or magnetic case record prescribed in the preceding paragraph are recorded.
- (7) The provisions of paragraph (3) apply *mutatis mutandis* to a person that seeks to be provided with an electronic or magnetic record referred to in the preceding paragraph by the method stated in paragraph (2), item (ii).

(Method of Certifying Matters Concerning Litigations; Article 91-3 of the Code)

- Article 33-4 (1) The method specified by the Rules of the Supreme Court referred to in Article 91-3 (Certifying Information Concerning a Litigation) of the Code for certifying matters concerning a litigation stated in a document involves stating in the document that those matters are certified and having a court clerk affix their name and seal to the document.
- (2) The method specified by the Rules of the Supreme Court referred to in Article 91-3 of the Code for certifying the matters concerning a litigation stated in an electronic or magnetic record involves recording in the electronic or magnetic record a statement certifying those matters and having a court clerk apply an electronic signature to the information recorded in the electronic or magnetic record.
 - (3) The method specified by the Rules of the Supreme Court referred to in Article 91-3 of the Code for the provision of an electronic or magnetic record involves using the methods stated in each item in paragraph (2) of the preceding Article (Method of Inspection of Electronic or Magnetic Case Records) to record the electronic or magnetic record in which the matters concerning a litigation prescribed in the preceding paragraph have been recorded.

- (4) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to a person that seeks to be provided with an electronic or magnetic record referred to in the preceding paragraph by the means stated in paragraph (2), item (ii) of that Article.

(Deletion from Electronic or Magnetic Case Records)

Article 33-5 (1) If all of the parties have agreed to the deletion of the following parts of an electronic or magnetic case record, and the court finds their deletion appropriate, the court may take measures to delete those parts from the electronic or magnetic case record:

- (i) the portion related to a brief (excluding cases where the matters stated in the brief were stated);
 - (ii) the part related to a copy of a document submitted pursuant to the provisions of Article 137 (Offering of Documentary Evidence), paragraph (1) and the part related to reproduction (meaning an electronic or magnetic record reproduced in a file format specified by the detailed regulations of the Supreme Court; the same applies below) of an electronic or magnetic record submitted pursuant to the provisions of Article 149-2 (Method of Making a Request for the Examination of Evidence Related to the Content of Data Recorded in an Electronic or Magnetic Record), paragraph (1) (limited to cases where it is not required to examine the copy of the document or the evidence related to the reproduction of the electronic or magnetic record pursuant to the provisions of Article 181 (When Examination of Evidence Is Not Required), paragraph (1) of the Code);
- (2) If the court finds that the matters recorded in the court's computer files clearly do not relate to a case pending before the court, or that they have clearly been recorded in error, the court may take measures to delete from the court's computer files the part containing those matters; provided, however, that with regard to matters recorded in the court's computer files by a party or any other person concerned, the court may take such measures only if the party or person concerned has made a request to have those matters deleted, except where the court finds that there are special circumstances, including circumstances in which it would be difficult for the party or person concerned to promptly make such a request.
- (3) If the court takes the measures under the provisions of the preceding two paragraphs, it must have a court clerk prepare an electronic or magnetic record containing the details of the measures and have that record entered in the court's computer files.

(Method of Filing Petitions for Restrictions on Inspection; Article 92 of the

Code)

- Article 34 (1) The petition referred to in Article 92 (Restrictions on Inspection to Preserve Confidential Information), paragraph (1) of the Code must be filed in writing and must specify the portion of the case record that contains the confidential information.
- (2) When a party files a petition referred to in the preceding paragraph in relation to a document or any other object that the party submits (referred to below as "the document, etc." in this Article and Article 52-20 (Method of Filing a Petition for Article 133-2, Paragraph (2) of the Code)), the party must file the petition when that document, etc. is submitted.
 - (3) When filing the petition referred to in paragraph (1), the petitioner must also prepare a version of the document, etc. related to the petition from which the portion containing confidential information has been removed and submit that version to the court; provided, however, that this does not apply when the portion containing confidential information related to the petition referred to in that paragraph represents the entire document, etc. related to the petition.
 - (4) A ruling upholding the petition referred to in paragraph (1) must specify the portion of the record that contains confidential information.
 - (5) If a ruling referred to in the preceding paragraph is made, the person that filed the petition referred to in paragraph (1) must, without delay, prepare a version of the document, etc. related to the petition from which the portion containing confidential information specified in the ruling has been removed and submit that version to the court; provided, however, that this does not apply if the portion containing confidential information specified in the petition and the portion containing confidential information specified in that ruling are identical.
 - (6) The petition referred to in Article 92, paragraph (3) of the Code must be filed in writing.
 - (7) If a judicial decision setting aside part of the ruling referred to in Article 92, paragraph (1) of the Code becomes final and binding, the person that filed the petition referred to in paragraph (1) must, without delay, prepare a version of the document, etc. related to the petition from which the portions of the confidential-information portion specified in the ruling that are not covered by that judicial decision have been removed, and submit that version to the court.
 - (8) If a person that has filed a petition as referred to in paragraph (1) is required to submit a version of the document, etc. from which the portion containing confidential information has been removed pursuant to the provisions of the main clause of paragraph (3), the main clause of paragraph (5), or the preceding paragraph (referred to below as the "portion for inspection, etc." in this paragraph and paragraph (10)), the person may instead submit the image

data of the portion for inspection, etc. by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court.

- (9) The provisions of paragraphs (2) through (7) apply mutatis mutandis to cases where a party files the petition referred to in paragraph (1) in relation to an electronic or magnetic record (including an electronic or magnetic record related to the matters to be recorded in the court's computer files by the party pursuant to the provisions of Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code; the same applies in the following paragraph).
- (10) The provisions of Article 132-11 (Special Provisions on Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the submission of the portion for inspection, etc. (excluding the part related to the object prescribed in Article 231 (Mutatis Mutandis Application to Objects Equivalent to Documents) of the Code) and a version of the electronic or magnetic record from which the portion containing confidential information has been removed pursuant to the provisions of the main clause of paragraph (3), the main clause of paragraph (5), or paragraph (7) as applied mutatis mutandis pursuant to the preceding paragraph (excluding a version constituting a reproduction of an electronic or magnetic record). In this case, the phrase "paragraph (1) of the preceding Article" in Article 132-11, paragraph (1) of the Code is deemed to be replaced with "Article 34 (Method of Filing Petition for Restriction on Inspection), paragraph (8) of the Rules of Civil Procedure".
- (11) The measures specified by the Rules of the Supreme Court referred to in Article 92, paragraph (9) of the Code are measures to output the information recorded in the part of the electronic or magnetic case record in which the trade secret referred to in that paragraph has been recorded in paper format, to take the necessary measures to prevent a leak of information stated in that document, and to delete that part from the electronic or magnetic case record.

Section 2 Technical Advisers

Subsection 1 Technical Advisers

(Participation of Technical Advisers on a Date for a Scheduling Conference;
Article 92-2 of the Code)

Article 34-2 (1) If a ruling referred to in Article 92-2 (Participation of Technical Advisers), paragraph (1) of the Code has been issued, the presiding judge may have a technical adviser orally give an explanation on a date for a scheduling

conference.

- (2) The provisions of Article 92-3 (Participation of a Technical Adviser Through Communication by Audio Transmissions) of the Code apply *mutatis mutandis* to the explanation given by a technical adviser on the date for a scheduling conference under the preceding paragraph.

(Handling of an Explanation by a Technical Adviser on a Date Other Than an Appearance Date; Article 92-2 of the Code)

- Article 34-3 (1) If the presiding judge has requested a technical adviser to give an explanation on a date other than an appearance date, and the matter on which the explanation is requested is important for clarifying the matters related to the litigation, a court clerk must notify both parties of that matter.
- (2) If a technical adviser has submitted a document stating an explanation on a date other than an appearance date, a court clerk must send a copy of that document to both parties.

(Measures by a Presiding Judge on a Date for Examination of Evidence; Article 92-2 of the Code)

- Article 34-4 (1) If a technical adviser participates in the proceedings pursuant to the provisions of Article 92-2 (Participation of Technical Advisers), paragraph (3) of the Code, and if the presiding judge finds it necessary to have the technical adviser give an explanation on the date for examination of witnesses, the presiding judge, after hearing the opinions of the parties, may take appropriate measures, such as having a witness leave the court, so that the explanation by the technical adviser does not affect the testimony of the witness.
- (2) A party may request the presiding judge to take the measures referred to in the preceding paragraph.

(Granting an Opportunity for Parties to Give Their Opinions; Article 92-2 of the Code)

- Article 34-5 The court must give the parties an opportunity to give their opinions on the explanation given by a technical adviser.

(Instructions to a Technical Adviser for Preparation; Article 92-2 of the Code)

- Article 34-6 (1) If the presiding judge finds it necessary when having a technical adviser give an explanation pursuant to the provisions of Article 92-2 (Participation of Technical Advisers) of the Code or Article 34-2 (Participation of Technical Advisers on a Date for a Scheduling Conference), the presiding judge may instruct the technical adviser to confirm the current status of the

subject matter in dispute and make any other preparations.

- (2) If the presiding judge has given the instruction prescribed in the preceding paragraph, a court clerk is to notify both parties of that fact and of the contents of the instruction.

(Participation of a Technical Adviser Through Communication by Audio Transmissions; Article 92-3 of the Code)

Article 34-7 (1) When having a technical adviser give an explanation or ask questions by the method prescribed in Article 92-3 (Participation of a Technical Adviser Through Communication by Audio Transmissions) of the Code on the date referred to in Article 92-2 (Participation of Technical Advisers), paragraph (1) or (3) of the Code, the court must confirm the following matters:

- (i) the party to the call; and
 - (ii) the conditions in the place where the party to the call is located are appropriate for implementing the procedure by the relevant method.
- (2) When having a technical adviser give an explanation or ask questions as referred to in the preceding paragraph, a statement confirming that fact and the matters stated in item (ii) of that paragraph must be recorded in an electronic record.
 - (3) The provisions of paragraph (1) apply mutatis mutandis to cases in which a technical adviser is asked to give an explanation by the method prescribed in Article 92-3 of the Code on the date referred to in Article 92-2, paragraph (4) of the Code or on the date for a scheduling conference.

(Method of Filing a Petition for Setting Aside a Ruling for the Participation of a Technical Adviser; Article 92-4 of the Code)

Article 34-8 (1) A petition for setting aside a ruling to have a technical adviser participate in the proceedings must be filed in writing, except when the petition is filed on an appearance date.

- (2) When the petition referred to in the preceding paragraph is filed, the reasons for the petition must be stated; provided, however, that this does not apply if both parties file the petition simultaneously.

(Disqualification of, Challenge to, and Recusal of a Technical Adviser; Article 92-6 of the Code)

Article 34-9 The provisions of Articles 10 through 12 (Method of Filing a Petition for Disqualification or Challenge; Statement of Opinions by a Judge with Regard to Disqualification or Challenge; and Recusal of a Judge) apply mutatis mutandis to a technical adviser.

(Powers of Authorized Judges or Commissioned Judges; Article 92-7 of the Code)

Article 34-10 When an authorized or commissioned judge conducts the proceedings referred to in Article 92-2 (Participation of Technical Advisers) of the Code, that judge performs the duties of the court and the presiding judge under the provisions of Article 34-2 (Participation of Technical Advisers on a Date for a Scheduling Conference), Article 34-4 (Measures by a Presiding Judge on a Date for Examination of Evidence), Article 34-5 (Granting an Opportunity for Parties to Give Their Opinions), Article 34-6 (Instructions to a Technical Adviser to Make Preparations), paragraph (1), and Article 34-7 (Participation of a Technical Adviser Through Communication by Audio Transmissions), paragraphs (1) and (3).

Subsection 2 Disqualification of, Challenge to, and Recusal of a Judicial Research Official in Cases Relating to Intellectual Property

(Mutatis Mutandis Application of Provisions Concerning Disqualification, Challenge, and Recusal; Article 92-9 of the Code)

Article 34-11 The provisions of Articles 10 through 12 (Method of Filing a Petition for Disqualification or Challenge; Statement of Opinions by a Judge with Regard to a Disqualification or Challenge; and Recusal of a Judge) apply mutatis mutandis to a judicial research official who is to conduct the affairs referred to in Article 92-8 (Functions of a Judicial Research Official in a Case Involving Intellectual Property) of the Code.

Section 3 Court Dates and Time Frames

(Designation of Dates by Authorized Judges or Commissioned Judges; Article 93 of the Code)

Article 35 A date for proceedings conducted by an authorized judge or a commissioned judge is designated or changed by that judge.

(Petitions to Change Dates; Article 93 of the Code)

Article 36 A petition to change a date must state the grounds necessitating the change.

(Restrictions on Changes of Dates; Article 93 of the Code)

Article 37 A change to a date must not be allowed if it is based on any of the following grounds; provided, however, that this does not apply if there are

unavoidable circumstances:

- (i) if one of the parties has multiple litigation representatives, and grounds for a change have arisen with regard to some of those representatives;
- (ii) after a date has been designated, the same date and time is designated for another case.

(Extension and Shortening of a Period Specified by the Presiding Judge;

Article 96 of the Code)

Article 38 The presiding judge, an authorized judge, or a commissioned judge may extend or shorten a period which they have specified.

Section 4 Service

Subsection 1 General Provisions

(Commissioning of the Handling of Affairs Related to Service; Article 98 of the Code)

Article 39 The handling of the affairs related to service may be commissioned to a court clerk of the district court with jurisdiction over the place of service.

Subsection 2 Service of Documents

(Documents to Be Served; Article 101 of the Code)

Article 40 The document to be served is a transcript or duplicate of that document, except as otherwise provided.

(Method of Notification of a Place Where the Relevant Person Is to Be Served; Article 104 of the Code)

Article 41 (1) A notification of the place where a document is to be served and notification of a designated service recipient referred to in the second sentence of Article 104 (Notifying the Court of the Place for Service), paragraph (1) of the Code must be filed in writing.

(2) The notification referred to in the preceding paragraph must, insofar as possible, be made by stating it in a complaint, a written answer, or a written objection against a demand for payment.

(3) A document containing a notification of the place where documents are to be served must state that the place specified in the notification is a workplace and other matters clearly indicating the relationship between the party, legal representative, or litigation representative and that place.

(Notification of a Change in the Place Where the Relevant Person is to Be

Served; Article 104 of the Code)

Article 42 (1) A party, legal representative, or litigation representative may file a notification to change the place specified in a notification as the place where the relevant person is to be served with documents, or the person specified in a notification as the designated service recipient referred to in the second sentence of Article 104 (Notifying the Court of the Place for Service), paragraph (1) of the Code.

(2) The provisions of the preceding Article (Method of Notification of a Place Where the Relevant Person Is to Be Served), paragraphs (1) and (3) apply *mutatis mutandis* to the notification of change prescribed in the preceding paragraph.

(Notice of Substituted Service at a Workplace; Article 106 of the Code)

Article 43 If substituted service under Article 106 (Substituted Service and Service by Leaving Documents), paragraph (2) of the Code has been effected, a court clerk must notify the person who has been served of that fact.

(Notice of Service by Registered Mail; Article 107 of the Code)

Article 44 If service by registered mail under Article 107 (Effecting Service by Registered Mail), paragraph (1) or (2) of the Code has been effected, a court clerk must notify the person who has been served of that fact and of the fact that the relevant document is deemed to have been served when the document was sent by that registered mail.

(Powers of Authorized Judges or Commissioned Judges Concerning Service in a Foreign Country; Article 108 of the Code)

Article 45 If service is to be effected in a foreign country in proceedings conducted by an authorized judge or a commissioned judge, that judge may also commission the service as prescribed in Article 108 (Service in a Foreign Country) of the Code.

Subsection 3 Service of Electronic or Magnetic Records

(Effecting Service Using an Electronic Data Processing System; Article 109-2 of the Code)

Article 45-2 The notification referred to in the main clause of paragraph (1) of Article 109-2 (Effecting Service Using an Electronic Data Processing System) of the Code is to be made by sending electronic mail to the email address (meaning the characters, numbers, symbols, or other codes for identifying the user of electronic mail (meaning the electronic mail prescribed in Article 2

(Definitions), item (i) of the Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of 2002), limited to electronic mail using the communication method specified by the detailed regulations of the Supreme Court; the same applies below in this Article and Article 52-2 (Matters to Be Included in a Written Advance Notice), paragraph (4)); the same applies below) that has been notified pursuant to the provisions of paragraph (2) of the following Article (Method of Filing a Notification to Receive Service Through an Electronic Data Processing System).

(Method of Filing a Notification to Receive Service Through an Electronic Data Processing System; Article 109-2 of the Code)

Article 45-3 (1) The method specified by the Rules of the Supreme Court referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code is the method referred to in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code; provided, however, that if a notification is also filed with regard to the designated service recipient referred to in the second sentence of Article 109-2, paragraph (2) of the Code, the notification may be filed in writing.

(2) When a notification referred to in the proviso to Article 109-2, paragraph (1) of the Code is filed, the electronic mail address used by the person who is to be served must be specified in the notification as the contact address referred to in paragraph (2) of that Article. In this case, when a notification of the designated service recipient referred to in the second sentence of paragraph (2) of that Article is filed, the party identification code (meaning the identification code assigned pursuant to the provisions of Article 1 (Method of Assigning Identification Codes), paragraph (3) or Article 2 (Method of Assigning Identification Codes to Attorneys), paragraph (2) of the Rules on the Assignment of Identification Codes for Procedures Relating to Civil Cases (Rules of the Supreme Court No. 15 of 2024); the same applies below) of the designated service recipient must also be specified in that notification.

(Method of Inspection of Matters Recorded in Electronic or Magnetic Records to Be Served; Article 109-3 of the Code)

Article 45-4 The method specified by the Rules of the Supreme Court referred to in Article 109-3 (When Service Using an Electronic Data Processing System Takes Effect), paragraph (1), item (i) of the Code involves displaying the matters recorded in the electronic or magnetic record to be served on the screen of the computer used by the person who is to be served, when it is confirmed that the code input on the computer used by the court by the person

who is to be served, using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (2), is that person's party identification code and security code (meaning the security code that has been set pursuant to the provisions of Article 3 (Changes to Matters Specified in Notifications) of the Rules on the Assignment of Identification Codes for Procedures Relating to Civil Cases; the same applies in Article 52-9 (Method of Filing Motions and Statements Using an Electronic Data Processing System), paragraph (2) and Article 52-11 (Measures to Clearly Indicate Names), paragraph (1)).

Subsection 4 Service by Publication

(Method of Effecting Service by Publication; Article 111 of the Code)

Article 46 (1) The method specified by the Rules of the Supreme Court referred to in Article 111 (Method of Effecting Service by Publication) of the Code is a method that falls under all of the following items and involves using an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by a person inspecting the matters specified in the items of that Article and conforming to the technical standards specified by the Supreme Court:

- (i) displaying the matters specified in the items of Article 111 of the Code that are recorded in the court's computer files on the screen of a computer used by a person who is to inspect the matters;
 - (ii) using an automatic public transmission server connected to the Internet.
- (2) A court clerk may publish, in an official gazette or a newspaper, the fact that service by publication has been effected. With regard to service that is to be effected in a foreign country, a court clerk may give a notice of the fact that service by publication has been effected, in lieu of publishing it in an official gazette or a newspaper.

Subsection 5 Sending Documents or Electronic or Magnetic Records

(Sending Documents or Electronic or Magnetic Records)

Article 47 (1) Affairs concerning the sending of documents or electronic or magnetic records that a court is to send to a party or any other person concerned are handled by a court clerk.

- (2) The documents referred to in the preceding paragraph are sent by delivering a copy of the document to be sent or by transmitting the document via facsimile.
- (3) The electronic or magnetic record referred to in paragraph (1) is sent by any

of the following methods; provided, however, that with regard to the method stated in item (iii), this is limited to a case in which the person who is to receive the record has filed the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code:

- (i) delivering a document prepared by outputting the information recorded in the electronic or magnetic record to be sent, or by transmitting the document via facsimile;
- (ii) delivering a recording medium on which the electronic or magnetic record to be sent is recorded;
- (iii) taking measures to enable the inspection referred to in Article 109-3 (When Service Using an Electronic Data Processing System Takes Effect), paragraph (1), item (i) of the Code or the recording referred to in item (ii) of that paragraph with regard to the matters recorded in the electronic or magnetic record to be sent, and issuing, using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (2), a notice to the person who is to receive the record that those measures have been taken.

- (4) The provisions of Article 109-4 (Special Provisions on Persons Required to File a Notification Indicating a Willingness for an Electronic Data Processing System to Be Used to Serve Them), paragraph (1) of the Code apply mutatis mutandis to the sending of an electronic or magnetic record to the persons stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code by the method stated in item (iii) of the preceding paragraph. In this case, the phrase "the proviso to Article 109-2, paragraph (1)" in Article 109-4, paragraph (1) of the Code is deemed to be replaced with "the proviso to Article 47 (Sending Documents or Electronic or Magnetic Records), paragraph (3) of the Rules of Civil Procedure"; the phrase "the proviso to that paragraph" in that paragraph is deemed to be replaced with "the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1)"; and the phrase "the main clause of that paragraph" is deemed to be replaced with "Article 47, paragraph (3), item (iii) of the Rules of Civil Procedure".

(Direct Sending of Documents or Electronic or Magnetic Records)

Article 47-2 (1) If the court must send to the adverse party a document or electronic or magnetic record that a party has submitted (excluding cases in which service must be effected), and the party has sent that document or electronic or magnetic record directly (meaning that the party has directly

sent the document or electronic or magnetic record to the adverse party by the method referred to in paragraph (2) or (3) of the preceding Article (Sending Documents or Electronic or Magnetic Records); the same applies below), the court is not required to send that document or electronic or magnetic record.

- (2) With regard to a document or electronic or magnetic record that a party must send directly, if there are grounds that make that direct sending difficult or other grounds that are found to be appropriate, the party may ask the court to have a court clerk send the document or electronic or magnetic record to the adverse party (or serve or send it, if that document is a brief).
- (3) The adverse party to whom the documents referred to in the preceding paragraph or the documents that the court is to send to the parties have been sent directly by the method referred to in paragraph (2) of the preceding Article must directly send a document stating that the documents have been received and must also submit that document to the court; provided, however, that this does not apply if the party who has directly sent the documents referred to in the preceding paragraph or the documents that the court is to send to the parties has submitted to the court those documents bearing a statement by the adverse party that the documents have been received.
- (4) The adverse party to whom the electronic or magnetic record referred to in paragraph (2) or the electronic or magnetic record that the court is to send to the parties is sent directly by the means stated in paragraph (3), item (i) or (ii) of the preceding Article must directly send the document referred to in item (i) of that paragraph or a document stating that the party has received the recording medium referred to in item (ii) of that paragraph, and must submit the document to the court; provided, however, that this does not apply if the party that directly sent the electronic or magnetic record referred to in paragraph (2) or the electronic or magnetic record that the court is to send to the party by the method stated in paragraph (3), item (i) of that Article submits to the court the document referred to in that item in which the adverse party states that the document has been received.
- (5) The adverse party to whom an electronic or magnetic record referred to in paragraph (2) or an electronic or magnetic record that the court is to send to the parties is sent directly by the method stated in paragraph (3), item (iii) of the preceding Article must record in the court's computer files the fact that the electronic or magnetic record has been inspected or recorded as prescribed in that item.

Section 5 Judicial Decisions

(Certification of a Final and Binding Judgment; Article 116 of the Code)

Article 48 (1) A court clerk of the court of first instance, upon a request of a party, etc., delivers a document or provides an electronic or magnetic record under the provisions of Article 91-3 (Certifying Information Concerning the Litigation) of the Code, certifying that a judgment has become final and binding, based on the case record.

(2) Notwithstanding the provisions of the preceding paragraph, if the litigation is still pending in an appellate instance, a court clerk of the appellate court delivers the document or provides the electronic or magnetic record referred to in that paragraph only for the final and binding part of the judgment.

(Documents to Be Attached to a Complaint in an Action Under Article 117, Paragraph (1) of the Code)

Article 49 (1) A complaint for an action referred to in Article 117 (Action to Modify a Final and Binding Judgment Ordering Compensation by Periodic Payments), paragraph (1) of the Code must be accompanied by a copy of the final and binding judgment for which a change is sought (excluding a judgement for which an electronic judgment or an electronic record referred to in Article 254 (Special Provisions on the Form for Rendering Judgment), paragraph (2) of the Code (including as applied *mutatis mutandis* pursuant to Article 374 (Rendition of Judgment), paragraph (2) of the Code) (referred to below as "the electronic record in lieu of the electronic judgment") has been prepared; the same applies below in this Article).

(2) In lieu of attaching a copy of the final and binding judgment referred to in the preceding paragraph, the petitioner may, pursuant to the provisions of the detailed regulations of the Supreme Court, submit image data related to the final and binding judgment by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1).

(3) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply *mutatis mutandis* to attaching a copy of the final and binding judgment referred to in paragraph (1). In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 49 (Documents to Be Attached to a Complaint in an Action Under Article 117, Paragraph (1) of the Code), paragraph (2) of the Rules of Civil Procedure".

(Rulings and Orders; Article 119 of the Code)

Article 50 (1) When a notice of a ruling or order has been given, a court clerk must record in the case record that notice has been given and the method by

which it was given.

- (2) In addition to what is provided for in the preceding paragraph, the provisions concerning judgments apply *mutatis mutandis* to rulings and orders, unless incompatible with the nature of those rulings or orders.

(Rulings by Electronic Records)

Article 50-2 When the Supreme Court renders a ruling, if it finds appropriate, the court may have the content of the ruling recorded in an electronic record in lieu of preparing an electronic written decision (meaning an electronic or magnetic record prepared pursuant to the provisions of Article 252 (Electronic Judgments), paragraph (1) of the Code as applied *mutatis mutandis* pursuant to Article 122 (Mutatis Mutandis Application of Provisions on Judgments) of the Code and relating to the ruling; the same applies in Article 67 (Substantial Matters to Be Entered in an Electronic Record of Oral Arguments), paragraph (1), item (vii), and Article 160 (Method of a Ruling to Correct a Judgment), paragraph (1)).

Section 6 Continuance of Litigation Proceedings

(Method of Filing a Petition for Substitution in Litigation Proceedings; Article 124 of the Code)

Article 51 (1) A petition for substitution of a party in litigation proceedings must be filed in writing.

- (2) The document referred to in the preceding paragraph must be accompanied by materials clearly indicating that the person taking over the litigation proceedings is the person specified in each item of Article 124 (Continuance of Litigation Proceedings and Substitution), paragraph (1) of the Code.
- (3) If the materials referred to in the preceding paragraph are prepared in the form of a document, etc., a person filing the petition referred to in paragraph (1) (excluding a person prescribed in the following paragraph) may submit the image data of the document, etc. by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1) pursuant to the provisions of the detailed regulations of the Supreme Court in lieu of attaching the document, etc.
- (4) When submitting the materials referred to in paragraph (2), in the cases stated in the following items, a person stated in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code that files the petition referred to in paragraph (1) must submit the materials specified in

those items by recording them in the court's computer files using the electronic data processing system referred to in Article 52-10, paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court; provided, however, that this does not apply to the cases prescribed in Article 132-11, paragraph (3) of the Code.

(i) if the material is prepared in the form of a document, etc.: image data of the document, etc.;

(ii) if the material is prepared in the form of an electronic or magnetic record: the electronic or magnetic record.

(5) When the image data of a document, etc. is submitted pursuant to the provisions of the preceding two paragraphs, and if the court finds it necessary, the court may request the presentation of the original of the document, etc.

(6) If the person taking over the litigation proceedings provides the corporate identification number to the court, enabling the court to use an electronic data processing system to obtain information on the matters recorded in the register, the person taking over the litigation proceedings is deemed to have attached a certificate of registered information stating those matters, as the materials referred to in paragraph (2).

(7) In the case prescribed in the preceding paragraph, a court clerk may request a registrar to provide information on the matters recorded in the register referred to in that paragraph to the extent necessary for processing the case.

(Notification by a Litigation Representative of Grounds for Continuance;
Article 124 of the Code)

Article 52 If any of the grounds listed in each item of Article 124 (Continuance of Litigation Proceedings and Substitution), paragraph (1) of the Code have arisen, the litigation representative must notify the court of that fact in writing.

Chapter VI Dispositions on the Collection of Evidence Prior to the Filing of an Action

(Matters to Be Included in a Written Advance Notice; Article 132-2 of the Code)

Article 52-2 (1) In a written advance notice, the following matters are to be included in addition to the gist of the claim and the points of the dispute as prescribed in Article 132-2 (Inquiry Prior to the Filing of an Action), paragraph (3) of the Code, and the person giving the advance notice or their agent is to affix their name and seal to that written advance notice:

(i) name and address of the person giving the advance notice and the party to

whom the advance notice is to be given, and the name and address of their agent;

(ii) date of the advance notice;

(iii) the fact that it is an advance notice under Article 132-2, paragraph (1) of the Code.

- (2) The gist of the claim and the points of the dispute referred to in the preceding paragraph must be stated specifically.
- (3) In an advance notice, the expected timing of filing an action must be stated insofar as possible.
- (4) The method specified by the Rules of the Supreme Court referred to in Article 132-2, paragraph (1) of the Code involves transmitting electronic mail.
- (5) The provisions of paragraphs (1) through (3) apply *mutatis mutandis* to an advance notice by electronic or magnetic means under the provisions of Article 132-2, paragraph (4) of the Code. In this case, the phrase "to be included in addition to the gist of the claim ... affix their name and seal to that written advance notice" in paragraph (1) is deemed to be replaced with "to be recorded in addition to the gist of the claim and the points of the dispute as prescribed in Article 132-2 (Inquiry Prior to the Filing of an Action), paragraph (3) of the Code".

(Matters to Be Included in a Written Response to an Advance Notice; Article 132-3 of the Code)

- Article 52-3 (1) In a written response to an advance notice, the matters prescribed in item (i) of paragraph (1) of the preceding Article (Matters to Be Included in a Written Advance Notice), the date of the response, and the fact that it is a response under Article 132-3, paragraph (1) of the Code are to be included in addition to the gist of the answers prescribed in Article 132-3 (Inquiry Prior to the Filing of an Action), paragraph (1) of the Code, and the person making the response or their agent is to affix the name and seal to that written response.
- (2) The gist of the answers referred to in the preceding paragraph must be stated specifically.
- (3) The provisions of the preceding two paragraphs apply *mutatis mutandis* to a response by electronic or magnetic means under the provisions of Article 132-2 (Inquiry Prior to the Filing of an Action), paragraph (4) of the Code as applied *mutatis mutandis* pursuant to Article 132-3, paragraph (2) of the Code. In this case, the phrase "to be included in addition to the gist of the answers ... affix the name and seal to that written response" in paragraph (1) is deemed to be replaced with "is to be recorded in addition to the gist of the claim and the points of the dispute as prescribed in Article 132-2 (Inquiry Prior to the Filing

of an Action), paragraph (3) of the Code".

(Matters to Be Included in a Written Inquiry Prior to the Filing of an Action or in a Written Response to That Inquiry; Article 132-2 of the Code)

Article 52-4 (1) If an inquiry under the provisions of Article 132-2 (Inquiry Prior to the Filing of an Action) of the Code and a response to the inquiry are to be made in writing, they are made by sending a written inquiry and a written response to the adverse party. In this case, if the adverse party has an agent, the written inquiry is to be sent to the agent.

- (2) In the written inquiry stated in the preceding paragraph, the following matters are to be included, and the person making the inquiry or their agent must affix their name and seal to that written inquiry:
- (i) the names of the person making the inquiry, the person receiving the inquiry, and their agents;
 - (ii) indication of the advance notice on which the inquiry is based;
 - (iii) the date of the inquiry;
 - (iv) the matters that are the subject of the inquiry (referred to below as the "matters inquired into" in this Article) and the necessity of the inquiry;
 - (v) the fact that the inquiry is made pursuant to the provisions of Article 132-2, paragraph (1) of the Code;
 - (vi) the period within which a response must be made;
 - (vii) the address, postal code, and facsimile number of the person making the inquiry;
 - (viii) if a response is requested in writing or by any of the methods referred to in Article 52-2 (Matters to Be Included in a Written Advance Notice), paragraph (4), a statement indicating the requested method of response and the email address of the person making the inquiry.
- (3) In the written response referred to in paragraph (1), the matters stated in items (i) and (ii) of the preceding paragraph, the date of the response, and the response to the matters inquired into are to be stated, and the person who received the inquiry or their agent is to affix their name and seal to that written response. In this case, if any of the matters inquired into are ones for which a response is refused on the grounds that the inquiry falls under Article 132-2, paragraph (1), item (i) of the Code, the written response must also state which of the items of Article 163 (Inquiry by a Party), paragraph (1) of the Code applies, and if any of the matters inquired into are ones for which a response is refused on the grounds that the inquiry falls under Article 132-2, paragraph (1), item (ii) or item (iii) of the Code, the written response must also state which of those items applies.
- (4) The matters inquired into are to be stated in an itemized form, and the

response to those matters is, insofar as possible, to correspond to the individual inquiry items and to be stated specifically.

(5) The provisions of the preceding paragraphs apply mutatis mutandis when an inquiry under the provisions of Article 132-3 (Inquiry Prior to the Filing of an Action) of the Code and a response to that inquiry are made in writing.

(6) The provisions of paragraphs (1) through (4) apply mutatis mutandis to inquiries under the provisions of Article 132-2 or 132-3 of the Code and responses to those inquiries that are made by electronic or magnetic means. In this case, the term "written inquiry" in paragraphs (1) and (2) is deemed to be replaced with "inquiry made by electronic or magnetic means"; the term "written response" in paragraphs (1) and (3) is deemed to be replaced with "response made by electronic or magnetic means"; the phrase "by sending" in paragraph (1) is deemed to be replaced with "by transmitting"; the phrase "to be sent" in that paragraph is deemed to be replaced with "to be transmitted"; the phrase "to be included, and the person making ... affix their name and seal to that written inquiry" in paragraph (2) and the phrase "to be stated, and the person who received ... affix their name and seal to that written response" in paragraph (3) are deemed to be replaced with "to be recorded".

(Method of Filing a Petition for a Disposition on the Collection of Evidence;
Article 132-4 of the Code)

Article 52-5 (1) The petition for a disposition referred to in any of the items of Article 132-4 (Dispositions on the Collection of Evidence Prior to the Filing of an Action), paragraph (1) of the Code must be filed in writing.

(2) The document stated in the preceding paragraph must include the following matters:

- (i) the name and address of the adverse party to whom the petitioner's advance notice or response on which the petition is based has been given (the adverse party is referred to below simply as the "adverse party" in this Chapter);
- (ii) details of the disposition subject to the petition;
- (iii) the gist of the claim and the points of the dispute related to the advance notice (referred to below simply as the "advance notice" in this paragraph, and in each item of paragraph (1) and in paragraph (2) of the following Article (Documents to Be Attached to a Written Petition for a Disposition on the Collection of Evidence)) that has been given by the petitioner or the adverse party and serves as the grounds for the petition;
- (iv) the facts that are to be proved if the action related to the advance notice is filed, and the relationship between those facts and the evidence to be obtained through the disposition related to the petition;

- (v) grounds that make it difficult for the petitioner to collect the evidence referred to in the preceding item;
 - (vi) the fact that the petition was filed within an inalterable time frame of four months from the day on which the advance notice was given or the fact that the adverse party gave consent to the filing of the petition after the expiration of this period.
- (3) In addition to the matters stated in the items of the preceding paragraph, the document referred to in paragraph (1) must include the matters specified in the following items, according to the categories of cases stated in those items:
- (i) if a petition is filed for a disposition under Article 132-4, paragraph (1), item (i) of the Code: the residence of the holder of the relevant document or the person authorized to use the relevant electronic or magnetic record;
 - (ii) if a petition is filed for a disposition under Article 132-4, paragraph (1), item (ii) of the Code: the location of the public agency, etc. prescribed in that item that is to receive the commission;
 - (iii) if a petition is filed for a disposition under Article 132-4, paragraph (1), item (iii) of the Code and the petition is related to the commission of a statement of opinions on a specific object: the location of that specific object;
 - (iv) if a petition is filed for a disposition under Article 132-4, paragraph (1), item (iv) of the Code: the location of the object related to the investigation.
- (4) The statement of the matters stated in paragraph (2), item (ii) in a petition for a disposition referred to in Article 132-4, paragraph (1), item (i) of the Code must provide sufficient information to identify the document (including an object prescribed in Article 231 (Mutatis Mutandis Application to Objects Equivalent to Documents) of the Code) or electronic or magnetic record to be sent. The same applies to the object specified in item (iii) or item (iv) of the preceding paragraph in a petition for a disposition referred to in Article 132-4, paragraph (1), item (iii) or item (iv) of the Code.
- (5) When including the matters stated in paragraph (2), item (ii) in a petition for the disposition referred to in Article 132-4, paragraph (1), item (ii) or item (iv) of the Code, the petitioner must clearly indicate the matters for which the petitioner seeks an examination. The same applies to the matters for which statements of opinion are sought in a petition for the disposition referred to in item (iii) of paragraph (1) of that Article.
- (6) The grounds referred to in paragraph (2), item (v) must be shown on a prima facie basis.

(Documents to Be Attached to a Written Petition for a Disposition on the Collection of Evidence; Article 132-4 of the Code)

Article 52-6 (1) The document referred to in paragraph (1) of the preceding

Article (Method of Filing a Petition for a Disposition on the Collection of Evidence) (referred to below as the "written petition" in this Article) must have the following documents attached:

- (i) a copy of the written advance notice (if the advance notice has been given by electronic or magnetic means, a document prepared by outputting the information recorded in the electronic or magnetic record related to the advance notice);
 - (ii) if the inalterable time frame of four months from the day on which the advance notice was given has passed, a document proving the consent of the adverse party referred to in paragraph (2), item (vi) of the preceding Article.
- (2) When a person subject to advance notice who has responded to the advance notice files a petition for a disposition referred to in Article 132-4 (Dispositions on the Collection of Evidence Prior to the Filing of an Action), paragraph (1) of the Code, the written petition must be accompanied by a copy of the written response (if a response has been made by electronic or magnetic means, a document prepared by outputting the information recorded in the electronic or magnetic record related to the response; the same applies in paragraph (4)), in addition to the documents stated in the items of the preceding paragraph.
- (3) If a petition is filed for the disposition referred to in Article 132-4, paragraph (1), item (iii) of the Code, and if that disposition seeks to commission the relevant person to give an opinion on a specific object and rights relating to that specific object are registrable, the written petition must be accompanied by a certificate of the registered information on the specific object or a document proving the information on the specific object stated in the registry. The same applies if rights relating to the object that is subject to the examination are registrable when a petition is filed for the disposition referred to in item (iv) of that paragraph.
- (4) A person who files a petition referred to in paragraph (1) of the preceding Article by the method referred to in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code may, in lieu of attaching the documents stated in each item of paragraph (1), a copy of the document referred to in paragraph (2), and the certificate of registered information or the document certifying the matters stated in the registry referred to in the preceding paragraph (referred to below as "the documents, etc." in this paragraph and the following paragraph), submit the image data of the documents, etc. by recording them in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court.
- (5) The provisions of Article 132-11 (Special Provisions on the Filing of Motions

and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the attachment of the documents, etc. under the provisions of paragraphs (1) through (3), and the provisions of Article 51 (Method of Filing a Petition for Substitution in Litigation Proceedings), paragraph (5) apply mutatis mutandis to cases where the image data of the documents, etc. is submitted pursuant to the provisions of the preceding paragraph. In this case, the phrase "paragraph (1) of the preceding Article" in Article 132-11, paragraph (1) of the Code is deemed to be replaced with "paragraph (4) of Article 52-6 (Documents to Be Attached to a Written Petition for a Disposition on the Collection of Evidence) of the Rules of Civil Procedure".

- (6) Notwithstanding the provisions of paragraph (3), if the petitioner provides information identifying the real property (meaning the information identifying the real property prescribed in Article 6 (Omission of a Portion of Application Information), paragraph (1) of the Real Property Registration Order (Cabinet Order No. 379 of 2004); the same applies in Article 55 (Documents to Be Attached to a Complaint), paragraph (5)) to the court, enabling the court to obtain the information relating to the certificate of registered information referred to in paragraph (3) using an electronic data processing system, the petitioner is not required to attach the certificate of registered information referred to in that paragraph.
- (7) In the case prescribed in the preceding paragraph, the court clerk may request the registrar to provide information relating to the certificate of registered information referred to in that paragraph to the extent necessary for processing the case.

(Procedures for a Disposition on the Collection of Evidence; Article 132-6 of the Code)

- Article 52-7 (1) If the court finds it necessary, it may hear the opinion of the person to be commissioned or any other person of reference.
- (2) When the document prescribed in Article 132-4 (Disposition on the Collection of Evidence Prior to the Filing of an Action), paragraph (1), item (i) of the Code is sent, either the original, an authenticated copy, or a certified transcript of the document, or, if the court finds it appropriate in consideration of the burden on the person to be commissioned or any other circumstances, a copy of the document is acceptable.
- (3) The provisions of Article 103 (Commissioning Procedures for Examination of Evidence in a Foreign Country) apply mutatis mutandis to the commissioning procedures related to a disposition referred to Article 132-4, paragraph (1), items (i) through (iii) of the Code to be made in a foreign state pursuant to the

provisions of Article 184 (Examination of Evidence in a Foreign Country), paragraph (1) of the Code as applied *mutatis mutandis* pursuant to Article 132-6 (Procedures for a Disposition on the Collection of Evidence), paragraph (6) of the Code.

- (4) When conducting the examination referred to in Article 132-4, paragraph (1), item (iv) of the Code, a court enforcement officer must specify the date and place for conducting that examination and notify the petitioner and the adverse party of the date and place.
- (5) The provisions of Article 4 (Demands and Notices), paragraphs (1), (2), and (5) apply *mutatis mutandis* to the notice prescribed in the preceding paragraph. In this case, the term "court clerk" in paragraphs (2) and (5) of that Article is deemed to be replaced with "court enforcement officer", and the phrase "in the case record" is deemed to be replaced with "in the report".
- (6) The report on the results of the examination referred to in Article 132-4, paragraph (1), item (iv) of the Code must contain the name of the court enforcement officer who conducted the examination, an indication of the object examined, the date and time of the commencement of the examination, the date and time of its completion, the place where the examination was conducted, the name of a person who attended the examination, if any, the matters for which the examination was ordered, and the examination results.
- (7) The report of the investigation results or statement of opinions to be made by the method of recording in the court's computer files using an electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1) pursuant to the provisions of Article 132-6, paragraph (3) of the Code is to be made by entering information relating to the investigation results or the content of the opinions from a computer used by the person making the report of the investigation results or statement of opinions, as provided for by the detailed regulations of the Supreme Court.
- (8) The provisions of Article 33 (Method of Making Requests to Inspect Case Records), paragraph (1) apply *mutatis mutandis* to a request for inspection, etc. of a hard-copy record of a disposition on the collection of evidence or a request for inspection, etc. of an electronic or magnetic record of a disposition on the collection of evidence referred to in Article 132-7 (Inspection of the Record of a Case) of the Code; or to a request for delivery of a document certifying the matters concerning a case related to a petition for a disposition referred to in Article 132-4, paragraph (1) of the Code or a request for provision of an electronic or magnetic record certifying those matters; the provisions of Article 33, paragraph (2) apply *mutatis mutandis* to a request for inspection, etc. of a hard-copy record of a disposition on the of collection of evidence or a request for inspection, etc. of an electronic or magnetic record of

a disposition on the collection of evidence referred to in Article 132-7 of the Code: the provisions of Article 33-2 (Forms of Authenticated Copies of Hard-Copy Records) apply mutatis mutandis to a hard-copy record of a disposition on the collection of evidence (meaning the part of the record related to a petition for a disposition referred to in Article 132-4, paragraph (1) of the Code, excluding the part related to the matters recorded in the file): the provisions of Article 33-3 (Method of Inspection of Electronic or Magnetic Case Records) apply mutatis mutandis to the inspection, etc. of an electronic or magnetic record of a disposition on the collection of evidence referred to in Article 132-7 of the Code, and the provisions of Article 33-4 (Method of Certifying Information Concerning a Litigation) apply mutatis mutandis to the delivery of a document certifying the matters concerning a case related to a petition for a disposition referred to in Article 132-4, paragraph (1) of the Code or to the provision of an electronic or magnetic record certifying the matters. In this case, the phrase "a party or a third party who has made a prima facie showing of their interest (referred to as "the party, etc." in the following paragraph and Article 48 (Certification of a Final and Binding Judgment), paragraph (1))" in Article 33-3, paragraph (1), item (ii) and the term "the party, etc." in paragraph (2) of that Article are deemed to be replaced with "the petitioner or the adverse party".

(Announcement of Whether or Not the Filing of an Action Is Planned)

Article 52-8 If four months have passed from the date on which a person gave advance notice, or if the recipient of the advance notice so requests even before that period has passed, the person who gave the advance notice must notify the recipient whether or not an action referred to in the advance notice is planned and, if so, the expected timing of the filing of the action.

Chapter VII Filing Motions and Statements Using an Electronic Data Processing System

(Method of Filing Motions and Statements Using an Electronic Data Processing System; Article 132-10 of the Code)

Article 52-9 (1) A motion or statement filed by the method prescribed in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code (the motion or statement is referred to below as the "electronic motion or statement") is to be filed by entering the matters to be stated in a document, etc. pursuant to the provisions of laws and regulations related to the motion or statement to be filed, using an electronic data processing system on the computer used by the person who files the

electronic motion or statement, as provided for by the detailed regulations of the Supreme Court.

- (2) A person who intends to file the electronic motion or statement must enter the party identification code and the security code assigned to that person on the computer referred to in the preceding paragraph.
- (3) Notwithstanding the provisions of the preceding paragraph, if two or more persons jointly file an electronic motion or statement, a person other than the person who enters information pursuant to the provisions of that paragraph (referred to below as the "person entering information" in this paragraph and Article 52-11 (Measures to Clearly Indicate Names), paragraph (2)) is to, in lieu of entering information pursuant to the provisions of the preceding paragraph, ensure that the image data of the document which stating that the person other than the person entering information jointly files the electronic motion or statement with the person entering information, and bearing that other person's signature or name and seal, together with the party identification code assigned to that other person, is recorded on the computer used by the person entering information.
- (4) A person who files an electronic motion or statement must file the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code when filing the electronic motion or statement; provided, however, that this does not apply if the notification referred to in the proviso to that paragraph has already been filed.

(Electronic Data Processing System)

Article 52-10 (1) The electronic data processing system specified by the Rules of the Supreme Court that are provided for in the provisions stated in the following items is an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by a person performing the act specified in the relevant item and conforming to the technical standards specified by the Supreme Court:

- (i) Article 91-2 (Access to Electronic or Magnetic Case Records), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 132-7 (Inspection of the Record of a Case) of the Code: the same applies below in this item): a request for copying under the provisions of Article 91-2, paragraph (2) of the Code;
- (ii) Article 91-2, paragraph (3) of the Code (including as applied mutatis mutandis pursuant to Article 132-7 of the Code: the same applies below in this item): a request for an electronic or magnetic record under Article 91-2, paragraph (3) of the Code;

- (iii) Article 91-3 (Certifying Information Concerning the Litigation) of the Code (including as applied mutatis mutandis pursuant to Article 132-7 of the Code; the same applies below in this item): a request for an electronic or magnetic record under Article 91-3 of the Code;
 - (iv) Article 92-2 (Participation of Technical Advisers), paragraph (2) of the Code: explanation referred to in that paragraph;
 - (v) Article 132-6 (Procedures for a Disposition on the Collection of Evidence), paragraph (3) of the Code: report on the investigation results or statement of opinions referred to in that paragraph;
 - (vi) Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code: the electronic motion or statement;
 - (vii) Article 151 (Order for Clarification), paragraph (2) of the Code: submission of electronic or magnetic records referred to in that paragraph;
 - (viii) Article 205 (Submission of Paper Document in Lieu of Examination), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 278 (Submission of Documents in Lieu of Examination), paragraph (2) of the Code; the same applies below in this item): recording in the court's computer files the matters that are required to be stated in the document under the provisions of Article 205, paragraph (2) of the Code;
 - (ix) Article 215 (Formalities of Statements by Experts), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 278, paragraph (2) of the Code; the same applies below in this item): statement of opinions under the provisions of Article 215, paragraph (2) of the Code;
 - (x) Article 231-2 (Requesting the Court to Examine Evidence in Connection with the Content of Information Recorded in Electronic or Magnetic Records), paragraph (2) of the Code: submission of an electronic or magnetic record referred to in that paragraph;
 - (xi) Article 231-3 (Mutatis Mutandis Application of Provisions Concerning Documentary Evidence), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 132-6, paragraph (6) of the Code; the same applies below in this item): submission or sending of an electronic or magnetic record referred to in Article 231-3, paragraph (2) of the Code.
- (2) The electronic data processing system specified by the Rules of the Supreme Court referred to in Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code is an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer that is used by a person who is to be served under the provisions of that paragraph and that conforms to the technical standards specified by the Supreme Court.

(Measures to Clearly Indicate Names)

- Article 52-11 (1) The measure to clearly indicate a name referred to in Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (4) of the Code involves entering the party identification code and the security code on the computer used by the person filing an electronic motion or statement; provided, however, that if the person filing a motion or statement requests a third party to enter the information under the provisions of Article 52-9 (Method of Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1), and the person filing a motion or statement is unable to enter the party identification code and the security code, the person filing a motion or statement is to ensure that the image data of the document which states that the person filing a motion or statement has requested the third party to enter the information under the provisions of that paragraph, and that bears that person's signature or name and seal, is recorded on the computer used by the third party.
- (2) Notwithstanding the provisions of the preceding paragraph, if two or more persons jointly file an electronic motion or statement, the measure to clearly indicate the name of a person other than the person entering information as referred to in Article 132-10, paragraph (4) of the Code involves having the image data of the document referred to in Article 52-9, paragraph (3) recorded on the computer used by the person entering information.

(Method of Filing Motions or Statements by Persons Other Than Those Listed in the Items of Article 132-11, Paragraph (1) of the Code)

- Article 52-12 (1) If a person other than the persons listed in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code files a motion or statement, the person is to do so by using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), except when there are circumstances in which the person is unable to use a computer, related devices, or any other information and communications device that is necessary for filing the electronic motion or statement.
- (2) The provisions of the preceding paragraph apply *mutatis mutandis* to acts other than filing motions or statements that may be carried out using an electronic data processing system pursuant to the provisions of laws and regulations.
- (3) A person who files an electronic motion or statement is to endeavor to do so in accordance with the form obtainable from the court's computer files for that

electronic motion or statement.

(Litigation Representatives in Charge of Use of Electronic Data Processing Systems)

Article 52-13 Unless there are special circumstances, if there are more than ten litigation representatives for a party, the litigation representatives are to appoint, from among themselves, up to ten litigation representatives to be in charge of the acts stated in Article 52-10 (Electronic Data Processing System), paragraph (1), items (i) through (iii), item (vi), and item (x), and of receiving service.

(Special Provisions on Filing Motions and Statements Using an Electronic Data Processing System; Article 132-11 of the Code)

Article 52-14 If a person listed in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code files a motion or statement for a case specified in those items in writing or by any other method, the person must attach a document indicating that the grounds prescribed in paragraph (3) of that Article exist and giving specific details of those grounds.

(Recording Information in the Court's Computer Files by Court Clerks)

Article 52-15 (1) When recording the matters stated in a document, etc. in the court's computer files pursuant to the provisions of Article 132-12 (Filing a Motion or Statement Using a Paper Document), paragraph (1) or Article 132-13 (Recording the Information Detailed in Paper Documents into the Court's Computer Files) of the Code, the court clerk is to do so promptly upon submission of the document, etc.

(2) A person who has submitted the documents, etc. referred to in the preceding paragraph to the court may make a request to a court clerk for inspection of the documents, etc., within one month from the day on which the person submitted the documents, etc.

(Sending Documents Upon Submission by Recording Them in the Court's Computer Files Using an Electronic Data Processing System)

Article 52-16 When, in lieu of submitting a document, etc., the matters to be stated in the document, etc. or the image data of that document are recorded in the court's computer files through an electronic data processing system pursuant to the provisions of the Act or these Rules, the sending of the document, etc. is to be effected, notwithstanding the provisions of these Rules concerning that document, etc., by sending an electronic or magnetic record

relating to the matters recorded in the court's computer files through that electronic data processing system.

(Sending Documents Containing Matters Recorded in the Court's Computer Files)

Article 52-17 Notwithstanding the provisions of these Rules concerning the relevant document, etc. an electronic or magnetic record stating those matters may be sent in lieu of sending a document, etc. stating matters that have been recorded in the court's computer files pursuant to the provisions of Article 132-12 (Filing a Motion or Statement Using a Paper Document), paragraph (1) or Article 132-13 (Recording the Information Detailed in Paper Documents into the Court's Computer Files) of the Code.

Chapter VIII Concealing Parties' Domiciles and Identifying Information

(Method of Filing a Petition)

Article 52-18 The following petitions must be filed in writing:

- (i) the petition referred to in Article 133 (Concealing a Petitioner's Domicile and Identifying Information), paragraph (1) of the Code;
- (ii) the petition referred to in Article 133-2 (Special Provisions Concerning Restriction of Access to Records If There Has Been an Anonymity Ruling), paragraph (2) of the Code;
- (iii) the petition for setting aside a ruling referred to in Article 133-4 (Setting Aside Anonymity Rulings), paragraph (1) of the Code;
- (iv) the petition for permission referred to in Article 133-4, paragraph (2) of the Code.

(Matters to Be Stated in a Written Anonymity Notification)

Article 52-19 (1) A written anonymity notification must contain, in addition to the personal information of a person seeking anonymity, the following information, and the person seeking anonymity must affix their name and seal to that notification:

- (i) an indication that it is a written anonymity notification;
 - (ii) the postal code and telephone number (including a facsimile number; referred to below as the "telephone number, etc.") of the person seeking anonymity.
- (2) The provisions of the preceding paragraph (limited to the part related to item (ii)) do not apply if a complaint or written answer stating the postal code and the telephone number, etc. of the person seeking anonymity has been submitted.

(Method of Filing a Petition referred to in Article 133-2, Paragraph (2) of the Code)

- Article 52-20 (1) The petition referred to in Article 133-2 (Special Provisions Concerning Restriction of Access to Records If There Has Been an Anonymity Ruling), paragraph (2) of the Code must specify the part of a record containing the personal information of a person seeking anonymity.
- (2) If a person seeking anonymity files the petition referred to in the preceding paragraph with regard to the document, etc. submitted by that person, the person must do so at the time the document, etc. is submitted.
- (3) When filing the petition referred to in paragraph (1), the petitioner must also prepare a version of the document, etc. related to the petition from which the part containing the personal information of a person seeking anonymity has been removed and submit it to the court.
- (4) A ruling upholding the petition referred to in paragraph (1) must specify the part of a record containing the personal information of a person seeking anonymity.
- (5) If a ruling referred to in the preceding paragraph is made, the person that filed the petition referred to in paragraph (1) must, without delay, prepare a version of the document, etc. related to the petition from which the part of a record containing the personal information of a person seeking anonymity specified in the ruling has been removed and submit that version to the court; provided, however, that this does not apply if the part of a record containing the personal information of a person seeking anonymity specified in the petition is identical to the part of a record containing the personal information of a person seeking anonymity specified in the ruling.
- (6) With regard to part of a ruling referred to in Article 133-2, paragraph (2) of the Code, if a judicial decision setting aside the ruling referred to in Article 133-4 (Setting Aside Anonymity Rulings), paragraph (1) of the Code becomes final and binding, or a judicial decision granting permission referred to in paragraph (2) of that Article becomes final and binding, the person who filed the petition referred to in paragraph (1) must, without delay, prepare a version of the document, etc. related to the petition from which the portions of the part of a record containing the personal information of a person seeking anonymity specified in the ruling referred to in Article 133-2, paragraph (2) of the Code other than the portions covered by that judicial decision have been removed, and submit that version to the court.
- (7) If a person who has filed a petition referred to in paragraph (1) is required to submit a version of a document, etc. from which the part of a record containing the personal information of a person seeking anonymity has been removed

pursuant to the provisions of paragraph (3), the main clause of paragraph (5), or the preceding paragraph (referred to below as the "portion subject to inspection, etc." in this paragraph and paragraph (9)), that person may instead submit the image data of the portion subject to inspection, etc. by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), as provided for by the detailed regulations of the Supreme Court.

- (8) The provisions of paragraphs (2) through (6) apply *mutatis mutandis* if a person seeking anonymity files the petition referred to in paragraph (1) regarding an electronic or magnetic record (including an electronic or magnetic record for information that the person seeking anonymity is to record in the court's computer files pursuant to the provisions of Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code; the same applies in the following paragraph).
- (9) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply *mutatis mutandis* to the submission of the portion subject to inspection, etc. (excluding the object prescribed in Article 231 (Mutatis Mutandis Application to Objects Equivalent to Documents) of the Code) and the electronic or magnetic record from which the part containing the personal information of a person seeking anonymity has been removed pursuant to the provisions of paragraph (3), the main clause of paragraph (5), or paragraph (6) as applied *mutatis mutandis* pursuant to the preceding paragraph (excluding the portion constituting a reproduction of an electronic or magnetic record). In this case, the phrase "paragraph (1) of the preceding Article" in Article 132-11, paragraph (1) of the Code is deemed to be replaced with "Article 52-20 (Method of Filing a Petition for Article 133-2, Paragraph (2) of the Code), paragraph (7) of the Rules of Civil Procedure".

(Special Provisions for Documents Requiring Affixing of Seals)

- Article 52-21 (1) If an anonymity ruling has been made with regard to a person's name, the person is not required to affix a seal under the provisions of these Rules (excluding Article 52-19 (Matters to Be Stated in a Written Anonymity Notification), paragraph (1); the same applies in the following paragraph) (limited to a seal affixed by the person seeking anonymity in relation to the anonymity ruling).
- (2) If an anonymity ruling has been made with regard to an address, etc., the postal code and the telephone number, etc. (limited to information related to the person seeking anonymity in relation to the anonymity ruling) do not need

to be included under the provisions of these Rules.

(Handling in Cases of Partial Revocation of an Anonymity Ruling)

- Article 52-22 (1) If a judicial decision to set aside a ruling as referred to in Article 133-4 (Setting Aside Anonymity Rulings), paragraph (1) of the Code has become final and binding with regard to a part of an anonymity ruling, or if a judicial decision to grant permission as referred to in paragraph (2) of that Article has become final and binding with regard to a part of the written anonymity notification, the person filing the petition referred to in Article 133 (Concealing a Petitioner's Domicile or Identifying Information), paragraph (1) of the Code must, without delay, prepare a version of the previously submitted written anonymity notification from which the portion that is not related to the judicial decision to set aside a ruling or the judicial decision to grant permission has been removed (limited to the part in which the personal information of a person seeking anonymity or information from which that personal information can be inferred is stated) (the version is referred to as "the written anonymity notification for inspection, etc." in the following paragraph and paragraph (3)) and submit that version to the court.
- (2) A person who has filed the petition referred to in the preceding paragraph may, in lieu of submitting a written anonymity notification for inspection, etc., submit the image data of that notification by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), as provided for by the detailed regulations of the Supreme Court.
- (3) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the submission of a written anonymity notification for inspection, etc. In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 52-22 (Handling in Cases of Partial Revocation of an Anonymity Ruling), paragraph (2) of the Rules of Civil Procedure".

(Necessary Measures for Safety Control; Article 133-2 of the Code)

- Article 52-23 The measures specified by the Rules of the Supreme Court referred to in Article 133-2 (Special Provisions Concerning Restriction of Access to Records If There Has Been an Anonymity Ruling), paragraph (5) of the Code (including as applied mutatis mutandis pursuant to Article 133-3 (Special Provisions Concerning Restriction of Access If an Investigation Has Been Commissioned into the Place for Service), paragraph (2) of the Code; the same applies below in this Article) involve outputting into a document the content of

the portion of the electronic or magnetic case record, etc. containing the personal information of a person seeking anonymity as referred to in Article 133-2, paragraph (5) of the Code, taking the measures necessary for preventing information entered in that document from being divulged, and deleting that portion from the electronic or magnetic case record, etc.

Part II Litigation Proceedings in the First Instance

Chapter I Actions

(Matters to Be Stated in a Complaint; Article 134 of the Code)

Article 53 (1) A complaint must include a prayer for relief and a statement of the claims (meaning the facts necessary for identifying the claim), state in a concrete manner the facts supporting the claim, and, for each matter requiring proof, include material facts relevant to those facts and the evidence relating the matter.

(2) When allegations are made concerning the factual circumstances in a complaint, the factual circumstances that are the reason for the action and the factual circumstances relevant to them must be stated separately, insofar as possible.

(3) A complaint stating allegations and evidence is also to serve as a brief.

(4) In addition to the matters prescribed in paragraph (1), a complaint must state the following matters:

(i) the postal code and the telephone number, etc. of the plaintiff or their agent;

(ii) if a party has been assigned a corporation number (meaning a corporation number as prescribed in Article 2 (Definitions), paragraph (15) of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013)), the corporation number.

(Matters to Be Included in a Complaint If Preservation of Evidence Has Been Conducted Before the Filing of an Action)

Article 54 If an examination of evidence for the purpose of preserving evidence has been conducted before the filing of an action, the complaint must indicate the court that examined the evidence and the identification of the evidence-preservation case, in addition to the matters prescribed in paragraph (1) of the preceding Article (Matters to Be Stated in a Complaint) and the matters stated in each item of paragraph (4) of that Article.

(Documents to Be Attached to a Complaint)

Article 55 (1) A complaint for the cases listed in the following items must have

the documents specified in those items attached to it:

- (i) a case concerning real property: certificate of registered information;
 - (ii) a case relating to a bill, note, or check: a copy of the bill, note, or check.
- (2) In addition to what is prescribed in the preceding paragraph, a complaint must be accompanied by copies of important documents that are to serve as evidence (referred to below as "copies of documentary evidence") with respect to any grounds requiring proof.
- (3) In lieu of attaching any of the documents specified in each item of paragraph (1) or the copies of documentary evidence referred to in the preceding paragraph, the plaintiff may, pursuant to the provisions of the detailed regulations of the Supreme Court, submit the image data of those documents or the documents to be used as evidence referred to in the preceding paragraph by recording that image data in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1).
- (4) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the attachment of a copy of the documents specified in the items of paragraph (1) or the documentary evidence referred to in paragraph (2), and the provisions of Article 51 (Method of Filing a Petition for Substitution in Litigation Proceedings), paragraph (5) apply mutatis mutandis to cases where the image data of the documents specified in each item of paragraph (1) is submitted pursuant to the provisions of the preceding paragraph. In this case, the phrase "paragraph (1) of the preceding Article" in Article 132-11, paragraph (1) of the Code is deemed to be replaced with "Article 55 (Documents to Be Attached to a Complaint), paragraph (3) of the Rules of Civil Procedure".
- (5) Notwithstanding the provisions of paragraph (1) (limited to the part related to item (i)), if the plaintiff provides the matters for real property identification to the court and this enables the court to obtain the information relating to the certificate of registered information referred to in item (i) of that paragraph using an electronic data processing system, attaching the certificate of registered information referred to in that item is not required.
- (6) In the case prescribed in the preceding paragraph, the court clerk may request the registrar to provide information relating to the certificate of registered information referred to in that paragraph to the extent necessary for processing the case.

(Notification of Information Concerning a Person Who Provided Legal Services Prior to the Filing of an Action)

Article 55-2 If any of the persons listed in each item of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code files an action and knows a person who has been entrusted by the defendant to provide legal services prescribed in Article 3 (The Duties of an Attorney), paragraph (1) of the Attorneys Act (Act No. 205 of 1949) with regard to the legal relationship involved in the action, the person must provide the court with the name of the person and any other information necessary to identify the person; provided, however, that this does not apply if it is clear that the person will not become the litigation representative of the defendant in relation to the action or if there are any other circumstances hindering the filer from providing the court with that information.

(Urging Correction of a Complaint; Article 137 of the Code)

Article 56 When urging the plaintiff to make necessary corrections to the statements in a complaint, the presiding judge may direct a court clerk to do so.

Article 57 (Deleted)

(Service of a Complaint; Article 138 of the Code)

- Article 58 (1) A complaint is served by serving its duplicate submitted by the plaintiff (or, if an action is filed using an electronic data processing system pursuant to the provisions of Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, the generated document to be served submitted by the plaintiff).
- (2) The provisions of the preceding paragraph do not apply if the defendant files the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code before being served with the complaint.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to the service of the document referred to in Article 143 (Amending an Action), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 144 (Addition of Claims on Behalf of or Concerning an Appointing Party), paragraph (3) of the Code and Article 145 (Action with an Interlocutory Declaration), paragraph (4) of the Code).

(Counterclaims; Article 146 of the Code)

Article 59 The provisions concerning an action are applied to a counterclaim.

Chapter II Oral Arguments and Relevant Preparations

Section 1 Oral Arguments

(Designation of the First Date for Oral Arguments; Article 139 of the Code)

Article 60 (1) When an action has been filed, the presiding judge must promptly designate a date for oral arguments; provided, however, that this does not apply if the case is referred to preparatory proceedings (limited to a case in which neither party objects to the referral) or if the case is referred to written preparatory proceedings.

(2) Except in special circumstances, the presiding judge must designate the date referred to in the preceding paragraph within thirty days from the day on which the action was filed.

(Hearing of Reference Information Before the First Date for Oral Arguments)

Article 61 (1) Before the first date for oral arguments, the presiding judge may hear from the parties their opinions regarding the progress of the suit and other matters that are to serve as a reference with respect to the conduct of the suit.

(2) When conducting the hearing referred to in the preceding paragraph, the presiding judge may direct a court clerk to do so.

(Commencement of Proceedings on a Date for Oral Arguments)

Article 62 Proceedings on a date for oral arguments commence when the case is called.

(Method of Asking for an Explanation on a Date Other Than the Date for Oral Arguments; Article 149 of the Code)

Article 63 (1) When taking measures to ask for an explanation under Article 149 (Authority to Ask for an Explanation), paragraph (1) or (2) of the Code on a date other than the date for oral arguments, the presiding judge or an associate judge may direct a court clerk to take those measures.

(2) If the presiding judge or an associate judge takes a measure referred to in the preceding paragraph on a date other than the date for oral arguments in relation to a matter that may significantly affect the allegations or evidence of a party, a court clerk must record in the case record the content of that measure.

(Method of Submitting Electronic or Magnetic Records; Article 151 of the Code)

Article 63-2 The submission of an electronic or magnetic record using the

electronic data processing system referred to in Article 151 (Order for Clarification), paragraph (2) of the Code is to be made by entering the electronic or magnetic record from a computer used by the person who makes the submission, pursuant to the provisions of the detailed regulations of the Supreme Court.

(Restrictions on Changing the Date for Oral Arguments)

Article 64 A change in the date for oral arguments must not be permitted in a case that has undergone proceedings to arrange issues and evidence on the ground that the facts and evidence have not been sufficiently investigated.

(Participation of an Interpreter Through Communication by Audio Transmissions; Article 154 of the Code)

Article 64-2 The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply mutatis mutandis to cases where an interpreter is to interpret by the method prescribed in the second sentence of paragraph (2) of Article 154 (Presence of an Interpreters) of the Code.

(Notice Prohibiting a Litigation Representative from Making Statements; Article 155 of the Code)

Article 65 If the court has prohibited a litigation representative from making statements or has ordered the attendance of an attorney at law, a court clerk must notify the party concerned of that prohibition or order.

(Matters Required to Be Formally Recorded in Electronic Records of Oral Arguments; Article 160 of the Code)

Article 66 (1) The following matters must be recorded in an electronic record of oral arguments:

- (i) information identifying the case;
- (ii) names of the judges and the court clerks;
- (iii) names of the public prosecutors in attendance;
- (iv) names of the parties, agents, assistants in court, and interpreters who appeared;
- (v) the date, time, and place of the oral arguments;
- (vi) the fact that the oral arguments were held in public or, if they were not held in public, that fact and the reason for not holding them in public.

(2) The presiding judge must confirm the content of the electronic record referred to in the preceding paragraph and take measures to make it clear in the electronic record that they have confirmed the content.

- (3) In the case referred to in the preceding paragraph, if the presiding judge has difficulty performing the duties concerned, the associate judge must record the reason in the electronic record, verify the contents of the electronic record, and take measures to indicate in the electronic record that such verification has been made. If a judge has difficulty doing so, it is sufficient for the court clerk to record that fact.

(Substantial Matters to Be Entered in an Electronic Record of Oral Arguments; Article 160 of the Code)

Article 67 (1) A summary of oral arguments must be recorded in an electronic record of oral arguments, and in particular, the following matters must be clearly stated:

- (i) withdrawal of the action, settlement, waiver or acknowledgment of a claim, or admission, if any;
 - (ii) if the plan for trial referred to in Article 147-3 (Plan for Trial), paragraph (1) of the Code has been formulated pursuant to the provisions of that paragraph or has been modified pursuant to the provisions of paragraph (4) of that Article, the contents as so formulated or modified;
 - (iii) statements by witnesses, the parties, and experts;
 - (iv) whether witnesses, the parties themselves, and experts took an oath, and the reasons for not having witnesses or experts take an oath;
 - (v) results of the observation;
 - (vi) matters ordered to be recorded by the presiding judge and matters permitted to be recorded by the presiding judge at the request of a party;
 - (vii) a judicial decision made without preparing an electronic written decision or electronic written order (meaning an electronic or magnetic record prepared pursuant to the provisions of Article 252 (Electronic Judgments), paragraph (1) of the Code as applied *mutatis mutandis* pursuant to Article 122 (Mutatis Mutandis Application of Provisions on Judgments) and relating to an order);
 - (viii) rendering the judicial decision.
- (2) Notwithstanding the provisions of the preceding paragraph, if a litigation is concluded in a manner other than by a judicial decision, the recording of the statements by witnesses, the parties themselves, and experts, and the results of an observation may be omitted with the permission of the presiding judge; provided, however, that this does not apply if a party requests that those statements and results be recorded within one week from the day on which the party became aware of the conclusion of the litigation.
- (3) In addition to a summary of oral arguments, matters concerning the planned timing for submissions of means of attack or defense by the parties and other

matters concerning the progress of litigation proceedings may be recorded in the electronic record of oral arguments.

- (4) If an objection referred to in Article 160 (Preparation of Electronic Records of Oral Arguments), paragraph (3) of the Code is raised, the court clerk must prepare an electronic or magnetic record indicating that the objection has been raised and recording the content of the objection, and must record it in the court's computer files.

(Recording Electronic or Magnetic Records in the Court's Computer Files in Lieu of Recording Electronic Records)

Article 68 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article (Substantial Matters to Be Entered in an Electronic Record of Oral Arguments), a court clerk, with the permission of the presiding judge, may record in the court's computer files an electronic or magnetic record created from an audio or video recording of a statement by a witness, a party, or an expert (referred to below as a "witness, etc."), in lieu of recording the electronic record. In this case, the parties may give their opinions when the presiding judge grants permission.

- (2) In the case referred to in the preceding paragraph, where a request is made by a party before the litigation is concluded, an electronic or magnetic record containing the matters to be recorded in an electronic record pursuant to the provisions of paragraph (1) of the preceding Article (limited to the part related to item (iii)) must be prepared and recorded in the court's computer files. The same applies where the litigation is pending in an appellate instance and the appellate court finds it necessary.

(Quotations from Other Electronic or Magnetic Records)

Article 69 Other electronic or magnetic records may be quoted in the electronic record of oral arguments and recorded in the court's computer files as part of that electronic record.

(Stenographic Notes of Statements)

Article 70 If the court finds it necessary, it may have a court stenographer or any other stenographer take stenographic notes of all or part of the statements made during oral arguments, upon petition or by its own authority.

(Preparation of Electronic Stenographic Records)

Article 71 When a court stenographer takes stenographic notes pursuant to the provisions of the preceding Article (Stenographic Notes of Statements), they must promptly prepare an electronic or magnetic record of those stenographic

notes (referred to below as the "electronic stenographic record") by transcribing the original stenographic notes; provided, however, that this does not apply if the court does not find it necessary to prepare an electronic stenographic record.

(Quotations from Electronic Stenographic Records)

Article 72 The electronic stenographic record prepared by a court stenographer is to be quoted in an electronic record, recorded in the court's computer files, and considered part of that electronic record; provided, however, that this does not apply if the court does not find it appropriate to quote the electronic stenographic record.

Articles 73 through 75 (Deleted)

(Recording of Statements in Oral Arguments)

Article 76 If the court finds it necessary, it may have all or part of the statements made during oral arguments recorded using a recording device, upon petition or by its own authority. In this case, if the court finds it appropriate, it must prepare an electronic record by transcribing the electronic or magnetic record created from the audio recording of the statements.

(Method of Dispositions Involving Corrections; Article 160-2 of the Code)

Article 76-2 (1) When a court clerk makes a disposition to correct an electronic record of oral arguments, the court clerk must prepare an electronic or magnetic record in which the contents of the disposition to correct are recorded and record it in the court's computer files. In this case, the court clerk must indicate that the electronic or magnetic record has been prepared by the court clerk and take the necessary measures to prevent the electronic or magnetic record from being altered.

(2) The provisions of Article 66 (Matters Formally Recorded in Electronic Records of Oral Arguments), paragraphs (2) and (3) apply *mutatis mutandis* to the electronic or magnetic record referred to in the preceding paragraph.

(Restrictions on Taking Photographs)

Article 77 It is not permissible to take photographs, take stenographic notes, make audio or video recordings, or broadcast on a date for civil action proceedings without the permission of the presiding judge, the authorized judge, or a commissioned judge. The same applies to a hearing conducted on a date other than a date for proceedings, and to a consultation under Article 176 (Manner of Conducting Written Preparatory Proceedings), paragraph (2) of the

Code.

(Mutatis Mutandis Application to Hearings by Court)

Article 78 The provisions of Article 160 (Preparation of Electronic Records of Oral Arguments) and Article 160-2 (Correction of Electronic Records of Oral Arguments) of the Code, and Articles 66 through 72 (Matters Formally Recorded in Electronic Records of Oral Arguments, Substantial Matters to Be Entered in an Electronic Record of Oral Arguments, Recording of Electronic or Magnetic Records in the Court's Computer Files in Lieu of Recording Electronic Records, Quotation from Other Electronic or Magnetic Records, Stenographic Notes of Statements, Preparation of Electronic Stenographic Records, and Quotations from Electronic Stenographic Records), Article 76 (Recording of Statements in Oral Arguments), and Article 76-2 (Method of Dispositions Involving Corrections) apply mutatis mutandis to a hearing by the court, examination of evidence conducted on a date other than the date for oral arguments, and proceedings conducted by the authorized judge or a commissioned judge.

Section 2 Briefs

(Briefs; Article 161 of the Code)

- Article 79 (1) A written answer or any other brief must be submitted to the court sufficiently in advance to allow the adverse party to prepare in relation to the matters included in that answer or brief.
- (2) When factual allegations are stated in a brief, allegations concerning facts supporting a claim, facts constituting a defense, or facts constituting a reply to the defense, and allegations concerning facts related to those facts must, insofar as possible, be stated separately.
- (3) When any facts alleged by the adverse party are denied in a brief, the reasons for the denial must be stated in the brief.
- (4) In the cases prescribed in paragraph (2), evidence must be stated for each ground that requires proof.

(Written Answers)

Article 80 (1) A written answer must state an answer to the prayer for relief, state in a concrete manner whether the facts stated in the complaint are admitted or denied and the facts constituting a defense, and state material facts related to those facts and evidence for each matter requiring proof. If it is not possible to state that information due to unavoidable circumstances, a brief containing that information must be submitted promptly after the

written answer is submitted.

- (2) A written answer must have attached to it a copy of material documentary evidence for each ground that requires proof. If it is not possible to attach the copy due to unavoidable circumstances, the copy must be submitted promptly after the written answer is submitted.
- (3) The provisions of Article 53 (Matters to Be Stated in a Complaint), paragraph (4) apply mutatis mutandis to a written answer, and the provisions of Article 55 (Documents to Be Attached to a Complaint), paragraphs (3) and (4) apply mutatis mutandis to the attachment of a copy of the documentary evidence referred to in the preceding paragraph.

(Counterargument to an Answer)

- Article 81 (1) When a reply becomes necessary as a result of the defendant's written answer, the plaintiff must promptly submit a brief stating, in a concrete manner, whether the facts stated in the written answer are admitted or denied and the facts constituting a reply to the defense, and stating material facts relevant to those facts and evidence for each matter requiring proof. The brief must have attached to it copies of material documentary evidence for each matter requiring proof.
- (2) The provisions of Article 55 (Documents to Be Attached to a Complaint), paragraphs (3) and (4) apply mutatis mutandis to the attachment of a copy of the documentary evidence referred to in the preceding paragraph.

(Handling of a Document Quoted in a Brief)

- Article 82 (1) A party who has quoted a document in a brief must submit a copy of that document upon the request of the court or the adverse party.
- (2) The party referred to in the preceding paragraph must send the copy referred to in that paragraph directly.
 - (3) In lieu of submitting the copy referred to in paragraph (1), a party, pursuant to the provisions of the detailed regulations of the Supreme Court, may submit the image data of the document referred to in that paragraph by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1).
 - (4) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the submission of the copy referred to in paragraph (1). In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 82 (Handling of a Document Quoted in a Brief), paragraph (3) of

the Rules of Civil Procedure".

(Direct Sending of Briefs)

Article 83 (1) A party must send a brief directly while allowing the period referred to in Article 79 (Briefs), paragraph (1).

(Urging Submission of Briefs; Article 162 of the Code)

Article 83-2 When the presiding judge, pursuant to the provisions of Article 162 (Time Frame for Submission of Briefs), paragraph (1) of the Code, specifies the period during which a brief is to be submitted or evidence is to be offered as provided for in that paragraph, the presiding judge may order a court clerk to urge the relevant parties to submit the brief or offer evidence.

(Inquiry by a Party; Article 163 of the Code)

- Article 84 (1) If an inquiry under the provisions of Article 163 (Inquiry by a Party) of the Code and a response to that inquiry are to be made in writing, the inquiry and the response are to be made by sending the written inquiry and written response to the adverse party. In this case, if the adverse party has an agent, the written inquiry is to be sent to the agent.
- (2) The written inquiry referred to in the preceding paragraph is to state the following matters, and the party or their agent is to affix their name and seal:
- (i) the name of the party and their agent;
 - (ii) information identifying the case;
 - (iii) information specifying the court before which the suit is pending;
 - (iv) the date; and
 - (v) matters that are inquired into (referred to below as the "matters inquired into" in this Article) and the necessity for the inquiry;
 - (vi) the fact that the inquiry is made pursuant to the provisions of Article 163 of the Code;
 - (vii) the period within which a response is to be made;
 - (viii) the address, postal code, and facsimile number of the person making the inquiry.
 - (ix) if the inquirer is requested to provide a response, either in writing or by electronic or magnetic means, at the option of the adverse party, a statement indicating that fact and the email address of the person making the inquiry.
- (3) The written response referred to in paragraph (1) is to state the matters listed in items (i) through (iv) of the preceding paragraph and the response to the matters inquired into, and the party or their agent is to affix their name and seal. In this case, if the relevant party refuses to respond to any matter inquired into on the grounds that it falls under any of the inquiries listed in

the items of Article 163, paragraph (1) of the Code, the applicable provision must also be stated.

- (4) The matters inquired into are to be stated in an itemized form, and the responses to those matters are, insofar as possible, to correspond to the respective inquiry items and be stated specifically.
- (5) The provisions of the preceding paragraphs apply mutatis mutandis to the case where an inquiry under the provisions of Article 163 of the Code and a response to that inquiry are made by electronic or magnetic means. In this case, the term "written inquiry" in paragraphs (1) and (2) is deemed to be replaced with "inquiry by electronic or magnetic means"; the term "written response" in paragraphs (1) and (3) is deemed to be replaced with "response by electronic or magnetic means"; the phrase "by sending" in paragraph (1) is deemed to be replaced with "by transmitting"; the phrase "to be sent" in that paragraph is deemed to be replaced with "to be transmitted"; and the phrase "is to state the matters in... and the party or their agent is to affix their name and seal" in paragraph (2) and the phrase "is to state the matters in... and the party or their agent is to affix their name and seal to that response" in paragraph (3) are deemed to be replaced with "is to have the matters in the following items recorded" and "is to have the matters in ...the matters required into recorded", respectively.

(Obligation to Conduct Research)

Article 85 In order to fully present allegations and proof, a party must investigate in detail, in advance, the facts relating to witnesses and other evidence.

Section 3 Proceedings to Arrange Issues and Evidence

Subsection 1 Preliminary Oral Arguments

(Recording Facts to Be Proved in Electronic Records; Article 165 of the Code)

- Article 86 (1) If, upon closing preliminary oral arguments, the facts to be proved through the subsequent examination of evidence have been confirmed, and the court finds it appropriate, the court must have a court clerk record those facts in the electronic record of the preliminary oral arguments.
- (2) If, upon closing preliminary oral arguments, the presiding judge requires the parties to submit a document summarizing the results of the arrangement of the issues and evidence through the preliminary oral arguments, the presiding judge may specify the period for submitting that document.

(Method of Explanation to Be Provided by a Party Under Article 167 of the

Code)

Article 87 (1) A party's explanation under the provisions of Article 167

(Presentation of Allegations and Evidence After the Close of Preliminary Oral Arguments) of the Code must be provided in writing or by electronic or magnetic means, except when it is made orally on an appearance date.

- (2) If the explanation referred to in the preceding paragraph is provided orally on an appearance date, the adverse party may request the party that provided the explanation to deliver a document that states the content of the explanation or to provide an electronic or magnetic record in which the content is recorded.

Subsection 2 Preparatory Proceedings

(Electronic Records for Preparatory Proceedings; Article 170 of the Code)

Article 88 (1) The matters stated in Article 161 (Briefs), paragraph (2) of the

Code must be recorded in the electronic record for preparatory proceedings based on the parties' statements, and in particular, any offer of evidence must be clearly indicated.

- (2) When conducting proceedings on a date for preparatory proceedings by a method that enables the court and both parties to communicate simultaneously with one another by audio transmissions, the court or the authorized judge must confirm the following matters.
- (i) the party to the call; and
 - (ii) the conditions in the place where the party to the call is located are appropriate for conducting proceedings by the relevant method.
- (3) If the proceedings referred to in the preceding paragraph have been conducted, a statement indicating that fact and the matters stated in item (ii) of that paragraph must be recorded in the electronic record for preparatory proceedings.
- (4) In addition to what is provided for in paragraph (1) and the preceding paragraph, the provisions of Article 160 (Preparation of Electronic Records of Oral Arguments) of the Code and the provisions of these Rules concerning electronic records of oral arguments apply mutatis mutandis to electronic records of preparatory proceedings.

(Statement of the Outcome of Preparatory Proceedings; Article 173 of the Code)

Article 89 If the results of the preparatory proceedings are stated during oral argument after the conclusion of preparatory proceedings, the facts to be proved by the subsequent examination of evidence must be specified.

(Mutatis Mutandis Application of Provisions on Preliminary Oral Arguments;
Article 170 of the Code)

Article 90 The provisions of Article 63 (Method of Asking for an Explanation on a Date Other Than the Date for Oral Arguments), Article 65 (Notice Prohibiting a Litigation Representative from Making Statements), and Article 83-2 (Urging Submission of Briefs), and the provisions of the preceding Subsection (Preliminary Oral Arguments) apply mutatis mutandis to preparatory proceedings.

Subsection 3 Written Preparatory Proceedings

(Consultation by Communication Through Audio Transmissions; Article 176 of the Code)

- Article 91 (1) If the presiding judge holds a consultation in written preparatory proceedings by a method that enables the court and both parties to communicate simultaneously with one another by audio transmissions, the presiding judge may designate the date and time of the consultation.
- (2) If a consultation has been held by the method referred to in the preceding paragraph, the presiding judge may have a court clerk prepare an electronic record of the proceedings and have the outcome of the consultation recorded in that electronic record.
- (3) If a consultation has been held by the method referred to in paragraph (1) and the presiding judge has had a court clerk record the outcome of the consultation, the presiding judge must have the fact that the consultation was held by the method referred to in that paragraph and the matters stated in Article 88 (Electronic Records for Preparatory Proceedings), paragraph (2), item (ii) as applied mutatis mutandis pursuant to the following paragraph recorded in the record.
- (4) The provisions of Article 88, paragraph (2) apply mutatis mutandis when a consultation is conducted by the method referred to in paragraph (1).
- (5) The provisions of the preceding paragraphs apply mutatis mutandis when the authorized judge conducts written preparatory proceedings.

(Mutatis Mutandis Application of Provisions Concerning Oral Arguments;
Article 176 of the Code)

Article 92 The provisions of Article 63 (Method of Asking for an Explanation on a Date Other Than the Date for Oral Argument), Article 83-2 (Urging Submission of Briefs), and Article 86 (Recording of Facts to Be Proved in Electronic Records), paragraph (2) apply mutatis mutandis to written

preparatory proceedings.

(Recording of Facts to Be Proved in Electronic Records; Article 177 of the Code)

Article 93 In a case where written preparatory proceedings have been concluded, if, on a date for oral arguments, the facts to be proved through the subsequent examination of evidence have been confirmed, those facts must be recorded in the electronic record of oral arguments.

(Method of Explanation to Be Provided by a Party Under Article 178 of the Code)

Article 94 (1) The explanation to be provided by a party under the provisions of Article 178 (Presenting Allegations and Evidence After the Close of Written Preparatory Proceedings) of the Code must be provided in writing or by electronic or magnetic means, except when the explanation is provided orally on an appearance date.

(2) The provisions of Article 87 (Method of Explanation to Be Provided by a Party Under Article 167 of the Code), paragraph (2) apply *mutatis mutandis* to cases in which the explanation referred to in the preceding paragraph is provided orally on an appearance date.

Section 4 Dates for Scheduling Conferences

(Dates for Scheduling Conferences)

Article 95 (1) The court may designate a date for a scheduling conference on which both parties are able to attend, other than the date for oral arguments, to ensure that the relevant proceedings are conducted productively. On that date, the court and the parties are to confirm the relationship between the examination of evidence in oral arguments and the issues, and hold a consultation on other necessary matters concerning the process of the litigation.

(2) An action may also be withdrawn, or a claim may also be waived or acknowledged on the date for a scheduling conference.

(3) The provisions of Article 261 (Withdrawal of an Action), paragraphs (5) and (6) of the Code apply *mutatis mutandis* to the withdrawal of an action referred to in the preceding paragraph.

(Dates for Scheduling Conferences Conducted by Communication Through Audio Transmissions)

Article 96 (1) After hearing the opinions of the parties, if the court finds it

appropriate, it may conduct the proceedings on the date for a scheduling conference by a method that enables the court and both parties to communicate simultaneously with one another by audio transmissions.

- (2) A party who participated in the proceedings referred to in the preceding paragraph without appearing on the date for a scheduling conference is deemed to have appeared on that date.
- (3) If proceedings are conducted by the method referred to in paragraph (1) and the court or authorized judge has a court clerk prepare an electronic record regarding the results of those proceedings, the fact that the proceedings have been conducted by the method referred to in that paragraph and the matters listed in Article 88 (Electronic Records for Preparatory Proceedings), paragraph (2), item (ii) as applied mutatis mutandis pursuant to the following paragraph must be recorded in the electronic record.
- (4) The provisions of Article 88, paragraph (2) apply mutatis mutandis when the proceedings referred to in paragraph (1) are conducted.

(Date for Scheduling Conference Outside the Court)

Article 97 If the court finds it appropriate to do so, the court may conduct the proceedings on a date for a scheduling conference outside the court.

(Date for Scheduling Conference by Authorized Judge)

Article 98 The court may have an authorized judge conduct the proceedings on a date for a scheduling conference.

Chapter III Evidence

Section 1 General Provisions

(Offering of Evidence; Article 180 of the Code)

- Article 99 (1) Evidence must be offered by specifically and clearly indicating the facts to be proved and the relationship between those facts and the evidence.
- (2) The provisions of Article 83 (Direct Sending of Briefs) also apply to a document stating an offer of evidence.

(Collective Requests for Examination of Witnesses and Parties; Article 182 of the Code)

Article 100 Requests for the examination of witnesses and the parties must, insofar as possible, be made together.

(Preparation for Examination of Evidence)

Article 101 In a case where proceedings to arrange issues and evidence have

been conducted, the court must ensure that evidence can be examined immediately on the first date for oral arguments after the close or conclusion of those proceedings.

(Period for Submission of Documents)

Article 102 Documents intended to be used in the examination of witnesses or the parties or in the oral statement of opinions by experts must be submitted within a reasonable period before the commencement of the examination or statement of opinions, except for documents to be used as evidence to challenge the credibility of statements by witnesses, etc.; provided, however, that, if it is not possible to submit those documents, it is sufficient to submit a copy.

(Proceedings for Commissioning Examination of Evidence in a Foreign Country; Article 184 of the Code)

Article 103 The presiding judge conducts the proceedings for commissioning the examination of evidence to be conducted in a foreign country.

(Notice of Recommissioning of Examination of Evidence; Article 185 of the Code)

Article 104 If a commissioned judge further entrusts the examination of evidence to another district court or summary court, a court clerk of the court to which the commissioned judge belongs must notify the court in charge of the case and the parties of that fact.

(Handover of Records of Commissioned Examination of Evidence; Article 185 of the Code)

Article 105 A court clerk of the court to which a commissioned judge belongs must hand over the management of the records concerning the examination of evidence to a court clerk of the court in charge of the case.

(Examination of Evidence Outside the Court Through Communication Using Audiovisual Transmissions; Article 185 of the Code)

Article 105-2 The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply mutatis mutandis to conducting the proceedings for the examination of evidence by the method prescribed in Article 185 (Examination of Evidence Outside the Court), paragraph (3) of the Code.

(Reporting of Investigation Results Using an Electronic Data Processing

System; Article 186 of the Code)

Article 105-3 When reporting the result of a commissioned examination referred to in Article 186 (Commissioning Examinations), paragraph (1) of the Code by an electronic or magnetic record in which information relating to the examination result is recorded, the report is to be made, pursuant to the detailed regulations of the Supreme Court, by recording the electronic or magnetic record in the court's computer files using an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by the person reporting the examination results and conforming to the technical standards specified by the Supreme Court, or by submitting a recording medium in which the electronic or magnetic record is recorded.

(Hearing Statements from Persons of Reference Through Communication Using Audiovisual Transmissions; Article 187 of the Code)

Article 105-4 (1) A hearing under the method prescribed in Article 187 (Hearing Statements from Persons of Reference), paragraph (3) of the Code (including as applied *mutatis mutandis* pursuant to paragraph (4) of that Article) is conducted, after hearing the opinions of the parties, by requiring the persons of reference or the parties themselves to appear at a place that the court finds appropriate.

(2) When conducting a hearing by the method referred to in the preceding paragraph, image data of the submitted document and any other information necessary for conducting the hearing may, using an electronic data processing system or other information and communications technology, be displayed on the screen of a computer used by a person of reference or the parties themselves referred to in that paragraph to enable them to inspect the information.

(3) The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply *mutatis mutandis* to conducting a hearing by the method referred to in paragraph (1).

(Examinations Related to the Enforcement of Judicial Decisions on Civil Fines; Article 189 of the Code)

Article 105-5 The provisions of Article 158 (Request for a Penalty), Articles 295-6 through 295-10 (Descriptive Requirements for a Written Request for a Seizure Warrant, Provision of Materials, Descriptive Requirements for a Warrant for Physical Examination, Entry Concerning for the Return of a Warrant, and Descriptive Requirements for a Written Request for Permission for Taking Dispositions in an Expert Testimony), Article 295-11 (Provisions Applied

Mutatis Mutandis), paragraph (1), Article 299 (Request for the Interrogation of a Judge), paragraph (1) and Article 300 (Valid Period of a Warrant) of the Rules of Criminal Procedure (Rules of the Supreme Court No. 32 of 1948) apply mutatis mutandis to examinations concerning the execution of a judicial decision of a civil fine under the provisions Part VII, Chapter II (excluding Articles 511 and 513, paragraphs (6) through (8)) of the Code of Criminal Procedure (Act No. 131 of 1948) as applied mutatis mutandis pursuant to Article 189 (Enforcement of a Judicial Decision for a Civil Fine), paragraph (3) of the Code of Civil Procedure (including as applied mutatis mutandis pursuant to the Act and other laws and regulations) following the deemed replacement of terms.

Section 2 Examination of Witnesses

(Requests for Examination of Witnesses)

Article 106 A request for the examination of a witness must designate the witness and specify the expected time required for the examination.

(Statements of Matters for Examination of Witnesses)

Article 107 (1) When requesting examination of a witness, a statement of matters for examination (meaning a document stating the matters for examination; the same applies below) must be submitted at the same time; provided, however, that it is sufficient to submit the statement within a period specified by the presiding judge, if there are unavoidable circumstances.

- (2) The matters for examination must, insofar as possible, be stated separately and specifically.
- (3) A party who is making the request referred to in paragraph (1) must send a statement of matters for examination directly.

(Matters Recorded in an Electronic Writ of Summons)

Article 108 (1) An electronic writ of summons for a witness must record the following matters:

- (i) information specifying the parties;
 - (ii) the date, time and place for appearance;
 - (iii) legal sanctions for failure to appear.
- (2) When an electronic writ of summons referred to in the preceding paragraph is served upon a witness, the statement of matters for examination must be served at the same time.

(Ensuring Appearance of a Witness)

Article 109 If an ruling to examine a witness is made, the party who has requested the examination must endeavor to have the witness appear on an appearance date.

(Notification of Nonappearance)

Article 110 If circumstances arise that prevent a witness from appearing on an appearance date, the witness must immediately give notice of those circumstances and specify the reasons for the inability to appear.

(Subpoenas; Article 194 of the Code)

Article 111 The provisions of the Rules of Criminal Procedure concerning subpoenas apply mutatis mutandis to a subpoena for a witness who fails to appear without justifiable grounds.

(Oath; Article 201 of the Code)

Article 112 (1) The court must have a witness take an oath before examination; provided, however, that the court may have a witness take an oath after examination under special circumstances.

- (2) A witness must take an oath while standing and in a solemn manner.
- (3) The oath referred to in paragraph (1) must be administered in a manner whereby the presiding judge has the witness state that they swear to tell the truth according to their conscience, without concealing or adding anything; provided, however, that if the witness is unable to do so, the presiding judge must have the witness sign a written oath (meaning a document stating that the witness swears to tell the truth according to their conscience, without concealing or adding anything; the same applies in the following paragraph) and have the court clerk read it aloud.
- (4) Notwithstanding the provisions of the proviso to the preceding paragraph, if the presiding judge finds it appropriate, the presiding judge may have a statement confirming that the witness understands the meaning of the oath included in the written oath, in lieu of the signature prescribed in the proviso to that paragraph.
- (5) Before a witness takes an oath, the presiding judge must explain the meaning of the oath and inform the witness of the punishment for perjury.

(Order of Examination; Article 202 of the Code)

Article 113 (1) A witness is examined by the parties in the following order:

- (i) examination by the party who has requested the examination (direct examination);
- (ii) examination by the adverse party (cross examination);

- (iii) further examination by the party who has requested the examination (redirect examination).
- (2) A party may conduct further examination with the permission of the presiding judge.
- (3) In addition to the provisions of Article 202 (Order of Examination), paragraphs (1) and (2) of the Code, the presiding judge may, whenever the presiding judge finds it necessary, examine a witness personally or permit examination by a party.
- (4) An associate judge may examine a witness after notifying the presiding judge.

(Restrictions on Questioning)

Article 114 (1) The examinations of witnesses listed in the following items are to be conducted for the matters specified in each of those items:

- (i) direct examination: matters to be proved and any matters relevant to those matters;
 - (ii) cross examination: matters mentioned in the direct examination and any matters relevant to those matters, and matters concerning the credibility of the testimony;
 - (iii) redirect examination: matters mentioned in the cross examination and any matters relevant to those matters.
- (2) If the presiding judge finds that questioning in any of the examinations listed in the items of the preceding paragraph concerns matters other than those specified in those items and is inappropriate, the presiding judge may, upon petition or by their own authority, restrict that questioning,.

Article 115 (1) Questions must, insofar as possible, be asked separately and specifically.

- (2) The parties must not ask the following questions; provided, however, that this does not apply to the questions listed in items (ii) through (vi) if there are reasonable grounds for asking them:
 - (i) a question that insults or confuses the witness;
 - (ii) a leading question;
 - (iii) a question that overlaps with a question previously asked;
 - (iv) a question unrelated to the issues;
 - (v) a question seeking to elicit an opinion;
 - (vi) a question seeking statements concerning facts that the witness did not personally experience.
- (3) The presiding judge may, upon petition or the presiding judge's own authority, restrict questioning if the presiding judge finds that it violates the

provisions of the preceding paragraph.

(Using Documents in Questions)

Article 116 (1) With the permission of the presiding judge, a party may ask a witness questions using a document, drawing, photograph, model, equipment, or any other appropriate object (referred to below as the "document, etc." in this Article).

(2) In the case referred to in the preceding paragraph, if the document, etc. has not been subject to an examination of evidence, the adverse party must be given an opportunity to inspect the document, etc. before those questions are asked; provided, however, that this does not apply if the adverse party has no objection.

(3) The presiding judge may request a party to submit a copy of a document, etc. when the document, etc. is used to prepare an electronic record or when the judge finds it necessary for other purposes.

(Objections; Article 202 of the Code)

Article 117 (1) A party may make an objection to a judicial decision that the presiding judge has made under Article 113 (Order of Examination), paragraphs (2) and (3), Article 114 (Restrictions on Questioning), paragraph (2), Article 115 (Restrictions on Questioning), paragraph (3), and paragraph (1) of the preceding Article (Using Documents in Questions).

(2) The court must immediately rule on the objection referred to in the preceding paragraph.

(Simultaneous Examination)

Article 118 (1) If the presiding judge finds it necessary, they may order a simultaneous examination of a witness and another witness.

(2) If the presiding judge orders a simultaneous examination pursuant to the provisions of the preceding paragraph, they must have the fact that the simultaneous examination was ordered recorded in an electronic record.

(3) When conducting a simultaneous examination, the presiding judge may examine the witnesses first.

(Writing Text)

Article 119 If the presiding judge finds it necessary, they may have a witness write text or perform any other necessary acts.

(Treatment of Witnesses to Be Examined Later)

Article 120 If the presiding judge finds it necessary, they may allow a witness

who is to be examined later to be present in court.

(Measures to Have an Observer Leave Court)

Article 121 If the presiding judge finds that a witness would be intimidated and unable to make sufficient statements in front of a specific observer (including cases where the measure prescribed in Article 203-3 (Shielding Measures), paragraph (2) of the Code is taken and cases where the method prescribed in Article 204 (Examinations Based on Communication Using Audiovisual Transmissions) of the Code is used), the presiding judge may have that observer leave the court while the witness makes their statements, after hearing the opinions of the parties as to the relevant measure.

(Reading of Questions or Answers in Writing; Article 154 of the Code)

Article 122 If the presiding judge has asked a question in writing to a witness who is unable to hear or has had a witness who is unable to speak respond in writing, the presiding judge may have a court clerk read aloud the document in which the question or response is stated. The same applies if the presiding judge has asked the witness a question by displaying the contents of the question on the screen of a computer used by the witness or the court and indicating those contents to the witness, or has had the witness respond by having the contents of the response entered into a computer used by the witness or the court.

(Escort; Article 203-2 of the Code)

Article 122-2 (1) When taking the measure prescribed in Article 203-2 (Escort), paragraph (1) of the Code, the presiding judge must hear the opinions of the parties and the witness.

(2) If the measure referred to in the preceding paragraph is taken, a statement indicating that fact, the name of the person who accompanied the witness, and the relationship between that person and the witness must be recorded in an electronic record.

(Shielding Measures; Article 203-3 of the Code)

Article 122-3 (1) When taking the measure prescribed in Article 203-3 (Shielding Measures), paragraph (1) or (2) of the Code, the presiding judge must hear the opinions of the parties and the witness.

(2) If the measures referred to in the preceding paragraph are taken, a statement indicating that fact must be recorded in an electronic record.

(Examinations Based on Communication Using Audiovisual Transmissions;

Article 204 of the Code)

Article 123 (1) An examination of a witness by the method prescribed in Article 204 (Examinations Based on Communication Using Audiovisual Transmissions) of the Code is conducted after hearing the opinions of the parties (or, in the cases stated in item (ii) of that Article, the parties and the witness) with the witness appearing at a place that satisfies the following requirements and that the court finds appropriate:

- (i) it is not a place where a party or the party's agent is present; provided, however, that this does not apply in the cases stated in Article 204, item (i) or item (iii) of the Code if both parties are present at that place or if the parties do not object to a party or the party's agent being present at that place;
 - (ii) it is not a place where a person whom the court finds likely to unduly influence the content of the witness's statements is present.
- (2) In the cases stated in Article 204, item (ii) of the Code, when a witness is examined by the method referred to in the preceding paragraph after appearing at the court in charge of the case, the witness must be present at a place other than the place where the presiding judge and the parties are present for the examination.
- (3) When a witness is examined by the method referred to in paragraph (1), the image data of a submitted document or other information necessary for conducting the examination may, using an electronic data processing system or other information and communications technology, be displayed on the screen of a computer used by the witness referred to in that paragraph to enable the witness to inspect the information.
- (4) The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply mutatis mutandis to cases of conducting an examination by the method referred to in paragraph (1).

(Submission of Documents in Lieu of Examination; Article 205 of the Code)

Article 124 (1) When having a witness submit a document in lieu of examination pursuant to the provisions of Article 205 (Submission of Paper Documents in Lieu of Examination), paragraph (1) of the Code, the court may have the adverse party to the party who has requested the examination submit a document stating the matters for which the adverse party seeks a response in the witness's document.

- (2) The presiding judge may specify a period for a witness to submit a paper document in lieu of examination.
- (3) A witness must sign the document referred to in the preceding paragraph.

(4) Recording in the court's computer files by a witness using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1) pursuant to the provisions of Article 205, paragraph (2) of the Code is to be made by entering the image data of the document referred to in paragraph (2) from a computer used by the person making the recording, pursuant to the detailed regulations of the Supreme Court.

(Powers of Authorized Judges or Commissioned Judges; Article 206 of the Code)

Article 125 If an authorized judge or commissioned judge examines a witness, that judge performs the duties of the court and the presiding judge.

Section 3 Examination of the Parties

(Simultaneous Examination)

Article 126 If the presiding judge finds it necessary, they may order a simultaneous examination of a party and another party or a witness.

(Mutatis Mutandis Application of Provisions on the Examination of Witnesses; Article 210 of the Code)

Article 127 The provisions of the preceding Section (Examination of Witnesses) apply mutatis mutandis to the examination of a party, except as otherwise provided; provided, however, that the provisions of Article 111 (Subpoenas), Article 120 (Treatment of Witnesses to Be Examined Later), and Article 124 (Submission of Documents in Lieu of Examination) do not apply.

(Examination of Legal Representatives; Article 211 of the Code)

Article 128 The provisions of these Rules concerning the examination of a party apply mutatis mutandis to a legal representative who represents the party in litigation.

Section 4 Expert Testimony

(Matters for Expert Testimony)

Article 129 (1) When expert testimony is requested, a document stating the matters for which expert testimony is sought must be submitted at the same time; provided, however, that if there are unavoidable circumstances, it is sufficient to submit that document within a period specified by the presiding judge.

(2) The party making the request referred to in the preceding paragraph must

send the document referred to in that paragraph directly.

- (3) If the adverse party has any opinions on the document referred to in paragraph (1), the adverse party must submit a document stating those opinions to the court.
- (4) The court must specify the matters for expert testimony based on the document referred to in paragraph (1), taking into account the opinions referred to in the preceding paragraph. In such a case, it must send to the expert a document stating those matters.

(Consultation on Matters Necessary for Expert Testimony)

Article 129-2 On a date for oral arguments or preparatory proceedings or on a date for a scheduling conference, the court may consult with the parties and the expert on the matters for expert testimony, the materials necessary for expert testimony, and other matters necessary for expert testimony. The same applies to written preparatory proceedings.

(Method of Filing a Petition for Challenge; Article 214 of the Code)

- Article 130 (1) A petition for challenge to an expert must be filed in writing, except when the petition is filed on an appearance date.
- (2) The grounds for challenge must be shown on a prima facie basis.

(Method of Taking an Oath)

- Article 131 (1) The oath of an expert must be administered in a manner whereby the presiding judge has the expert state that they swear to perform their expert duties faithfully according to their conscience.
- (2) The oath referred to in the preceding paragraph may also be administered in any of the following ways. In such a case, the presiding judge must explain the meaning of the oath to the expert and notify the expert of the punishment for providing a false expert testimony by sending a document or an electronic or magnetic record in which those matters are stated or recorded:
 - (i) a method whereby the expert signs a written oath (meaning a document stating that the expert swears to perform their expert duties faithfully according to their conscience; the same applies below in this paragraph) and submits it to the court;
 - (ii) a method involving, as provided for by the detailed regulations of the Supreme Court, recording the image data of the written oath signed by the expert in the court's computer files using an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by the expert that conforms to the technical standards specified by the Supreme Court.

(Formalities of Statements by Experts; Article 215 of the Code)

Article 132 (1) The presiding judge may have experts give their opinions jointly or individually.

(2) When having an expert give their opinion in writing, the presiding judge may specify a period within which that document is to be submitted after hearing the opinion of the expert.

(3) The recording in the court's computer files to be made by an expert using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1) pursuant to the provisions of Article 215 (Formalities of Statements by Experts), paragraph (2) of the Code is to be made by entering the matters to be stated in the document referred to in the preceding paragraph from a computer used by the person making the recording, as provided for by the detailed regulations of the Supreme Court.

(Matters on Which Further Expert Opinion Is Sought; Article 215 of the Code)

Article 132-2 (1) When the petition referred to in Article 215 (Formalities of Statements by Experts), paragraph (3) of the Code is filed, a document stating the matters on which further expert opinion is sought must be submitted at the same time; provided, however, that if there are unavoidable circumstances, it is sufficient to submit the document within a period specified by the presiding judge.

(2) When the court, by its own authority, has an expert give further opinion, it may require the parties to submit in advance a document stating the matters on which they seek further expert opinion.

(3) A party who submits the documents referred to in the preceding two paragraphs must send those documents directly.

(4) If the adverse party has any opinions on the document referred to in paragraph (1) or (2), the adverse party must submit a document stating those opinions to the court.

(5) The court specifies the matters on which further expert opinion is sought, taking into account the contents of the document referred to in paragraph (1) or (2), and the opinions referred to in the preceding paragraph. In such a case, a document stating those matters must be sent to the expert.

(Order of Questions; Article 215-2 of the Code)

Article 132-3 (1) The presiding judge may ask questions to an expert personally or allow a party to ask questions either pursuant to the provisions of Article 215-2 (Asking Questions of an Expert), paragraphs (2) and (3) of the Code, or whenever the presiding judge finds it necessary.

- (2) An associate judge may question an expert after notifying the presiding judge.
- (3) Questions to the expert by the parties are in the following order; provided, however, that, if both parties have requested expert testimony, the presiding judge specifies the order in which the parties ask questions:
 - (i) questions from the party who requested expert testimony;
 - (ii) questions from the adverse party;
 - (iii) additional questions from the party who requested expert testimony.
- (4) A party may ask additional questions with the permission of the presiding judge.

(Restrictions on Questioning; Article 215-2 of the Code)

- Article 132-4 (1) Questions to an expert are limited to matters necessary to clarify the content of the expert's opinion or to confirm the grounds for that opinion.
- (2) Questions must be as specific as possible.
 - (3) The parties must not ask the following questions; provided, however, that this does not apply to the questions listed in items (ii) and (iii) if there are reasonable grounds:
 - (i) a question that insults or confuses the expert;
 - (ii) a leading question;
 - (iii) a question that overlaps with a question previously asked;
 - (iv) a question unrelated to the matters prescribed in paragraph (1).
 - (4) The presiding judge may, upon petition or on the presiding judge's own authority, restrict questioning if the presiding judge finds that it violates the provisions of the preceding paragraph.

(Statements Based on Communication Using Audiovisual Transmissions;
Article 215-3 of the Code)

- Article 132-5 (1) When having an expert give their opinion by the method prescribed in Article 215-3 (Statements Based on Communication Using Audiovisual Transmissions) of the Code, the court hears the opinions of the parties and has the expert appear at a place that the court finds appropriate and conducts the procedure accordingly.
- (2) When having an expert give their opinion by the method referred to in the preceding paragraph, the image data of a submitted document and other information necessary for conducting the proceedings may, using an electronic data processing system or other information and communications technology, be displayed on the screen of a computer used by the expert referred to in that paragraph to enable the expert to inspect them.

- (3) The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply mutatis mutandis to cases where an expert gives an opinion by the method referred to in paragraph (1).

(Questions from Experts)

Article 133 If it is necessary for an expert to give expert testimony, the expert may attend the trial, request that the presiding judge examine a witness or a party, or, with the permission of the presiding judge, directly question those persons.

- (2) In the case referred to in the preceding paragraph, if the court finds it appropriate, after hearing the opinions of the parties, it may have the expert make requests for examination or ask questions prescribed in that paragraph by a method that enables the court and both parties to communicate simultaneously with the expert by audio transmission.
- (3) The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply mutatis mutandis to cases where the expert is made to make requests for examination or ask questions by the method prescribed in the preceding paragraph.

(Objections; Article 215-2 of the Code)

Article 133-2 A party may object to a judicial decision made by the presiding judge under the provisions of Article 132-3 (Order of Questions), paragraph (1), the proviso to paragraph (3), and paragraph (4), Article 132-4 (Restrictions on Questioning), paragraph (4), and paragraph (1) of the preceding Article (Questions from Experts), and Article 116 (Using Documents in Questions), paragraph (1) as applied mutatis mutandis pursuant to Article 134 (Mutatis Mutandis Application of Provisions on the Examination of Witnesses).

- (2) The court must immediately rule on the objection referred to in the preceding paragraph.

(Mutatis Mutandis Application of Provisions on the Examination of Witnesses; Article 216 of the Code)

Article 134 The provisions of Article 108 (Matters Recorded in an Electronic Writ of Summons) apply mutatis mutandis to an electronic writ of summons for an expert, the provisions of Article 110 (Notification of Nonappearance) apply mutatis mutandis to cases where circumstances that prevent an expert from appearing on the appearance date have arisen, the provisions of Article 112 (Oath), paragraphs (2), (4), and (5) apply mutatis mutandis to cases where an expert is required to take an oath, the provisions of Article 116 (Using the

Documents in Questions), Article 118 (Simultaneous Examination), Article 119 (Providing Written Information), Article 121 (Measures to Have an Observer Leave Court), and Article 122 (Reading of Questions or Answers in Writing) apply mutatis mutandis to having an expert state their opinion orally, and the provisions of Article 125 (Powers of Authorized Judges or Commissioned Judges) apply mutatis mutandis to cases where an authorized judge or a commissioned judge has an expert state an opinion.

(Expert Witnesses; Article 217 of the Code)

Article 135 The provisions concerning the examination of a witness apply to the examination of an expert witness.

(Reporting Results of Expert Testimony via an Electronic Data Processing System; Article 218 of the Code)

Article 135-2 When giving a report on the results of an expert testimony commissioned under Article 218 (Requesting Expert Testimony), paragraph (1) of the Code using an electronic or magnetic record in which information on the results of the expert testimony is recorded, the report is to be made, pursuant to the detailed regulations of the Supreme Court, by recording the electronic or magnetic record in the court's computer files using an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by the person giving the report on the results of the expert testimony and conforming to the technical standards specified by the Supreme Court, or by submitting a recording medium in which the electronic or magnetic record is recorded.

(Mutatis Mutandis Application to Commissioning Expert Testimony; Article 218 of the Code)

Article 136 Excluding the provisions concerning oaths, the provisions of this Section apply mutatis mutandis to the commissioning of expert testimony.

Section 5 Documentary Evidence

(Offering of Documentary Evidence; Article 219 of the Code)

Article 137 (1) When offering documentary evidence by submitting a document, the person offering the evidence must submit a copy of that document and, unless it is clear from the statements in the document, must submit a description of evidence clearly indicating the title of the document, the person who prepared the document, and the facts to be proved, by the time of offering the documentary evidence; provided, however, that it is sufficient to submit

the document and the description of evidence within a period specified by the presiding judge if there are unavoidable circumstances.

- (2) A person offering evidence as referred to in the preceding paragraph must send directly a copy of the relevant document and a description of evidence referred to in that paragraph.
- (3) In lieu of submitting a copy of the relevant document under the provisions of paragraph (1), a person offering evidence as referred to in that paragraph may submit the image data of the document by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), as provided for by the detailed regulations of the Supreme Court.
- (4) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the submission of a copy of the document under the provisions of paragraph (1). In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 137 (Offering of Documentary Evidence), paragraph (3) of the Rules of Civil Procedure".

(Parties' Duty to Make Efforts When Offering Documentary Evidence)

Article 137-2 A party offering documentary evidence must endeavor to make the offer necessary and sufficient in light of the facts to be proved.

- (2) A party offering documentary evidence as referred to in paragraph (1) of the preceding Article (Offering of Documentary Evidence) must endeavor to indicate clearly, in the copy of the document, the parts relevant to the facts to be proved, unless such parts are clear from the statements in the document, where the document contains both relevant and non-relevant parts.

(Attaching a Translation)

Article 138 (1) When offering documentary evidence by submitting a document prepared in a foreign language, a Japanese translation of the part of the document for which examination of evidence is sought must be attached. In this case, if the document is sent directly under Article 137 (Offering of Documentary Evidence), paragraph (2), the Japanese translation must also be sent directly at the same time.

- (2) If the adverse party has any opinions on the accuracy of the translation referred to in the preceding paragraph, the adverse party must submit a document stating those opinions to the court.

(Period for Submission of a Copy of Documentary Evidence; Article 162 of the

Code)

Article 139 If, pursuant to the provisions of Article 162 (Time Frame for Submission of Briefs), paragraph (1) of the Code, the presiding judge has specified a period during which an offer of documentary evidence concerning a specific matter is to be made (limited to offers made by submitting a document), a party must submit a copy of the documentary evidence before the expiration of that period.

(Method of Filing a Petition for an Order to Submit a Document; Article 221 of the Code)

Article 140 (1) A petition for an order to submit a document must be filed in writing.

(2) If the adverse party has any opinions on the petition referred to in the preceding paragraph, the adverse party must submit a document stating those opinions to the court.

(3) The provisions of Article 99 (Offering of Evidence), paragraph (2) and the preceding two paragraphs apply *mutatis mutandis* to a request under Article 222 (Procedures for Identifying a Document), paragraph (1) of the Code.

(Retention of Presented Documents; Article 223 of the Code)

Article 141 If the court finds it necessary, it may temporarily retain a document that has been presented pursuant to the provisions of the first sentence of Article 223 (Order to Submit Documents), paragraph (6) of the Code.

(Electronic Records of Examination of Evidence by Authorized Judges or Commissioned Judges)

Article 142 When having an authorized judge or a commissioned judge examine a document as part of evidence, the court may specify the matters to be recorded in the electronic recording in relation to that examination of evidence.

(Method of Submission of a Document)

Article 143 (1) A document must be submitted or sent as an original, an authenticated copy, or a certified transcript of the document.

(2) Notwithstanding the provisions of the preceding paragraph, the court may order the original to be submitted or sent.

(3) If the parties have no objections, a person who submits a document subject to the order referred to in Article 223 (Order to Submit Documents), paragraph (1) of the Code or sends a document as part of the request referred to in Article 226 (Requesting the Sending of a Document) of the Code may, in lieu of

submitting or sending the document, submit or send the image data of the document, as provided for by the detailed regulations of the Supreme Court, using an electronic data processing system that connects, through a telecommunications line, a computer used by the court and a computer used by the person who submits or sends the document and conforming to the technical standards specified by the Supreme Court.

(Handling of Cases in Which Examination of Documentary Evidence Has Been Requested for Transcription of Audio Data or Audio Tapes)

Article 144 A party that has offered documentary evidence by submitting a document that is a transcription of an electronic or magnetic record created by audio or video recording (referred to below as "audio data, etc." in this Section) or of an audio tape or video tape (including any object capable of recording certain information by an equivalent method; referred to below as an "audio tape, etc." in this Section) must provide the audio data, etc. or deliver a copy of the audio tape, etc. to the adverse party if the adverse party requests the provision of the audio data, etc. or delivery of a copy of the audio tape, etc.

(Clear Indication of Reasons When the Authenticity of Creation of a Document Is Denied)

Article 145 If the authenticity of a document is denied, the reason for the denial must be stated.

(Electronic Records Related to Documents to Be Used for Comparison of Handwriting; Article 229 of the Code)

Article 146 (1) The court clerk must attach to the electronic record the image data of the document used for the comparison of handwriting or seal impressions prescribed in Article 229 (Proof by Comparison of Handwriting), paragraph (1) of the Code.

(2) The provisions of Article 141 (Retention of Presented Documents) apply mutatis mutandis to the submission of a document or any other object under Article 223 (Order to Submit Documents), paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 229, paragraph (2) of the Code, and the provisions of Article 142 (Electronic Records of Examination of Evidence by Authorized Judges or Commissioned Judges) apply mutatis mutandis to the electronic records when having an authorized judge or commissioned judge examine a document or any other object that has been submitted or sent pursuant to the provisions of Article 219 (Offering of Documentary Evidence), Article 223, paragraph (1), and Article 226 (Requesting the Sending of a Document) of the Code as applied mutatis mutandis pursuant to Article 229,

paragraph (2) of the Code.

(Mutatis Mutandis Application to Objects Equivalent to Documents; Article 231 of the Code)

Article 147 The provisions of Article 137 (Offering of Documentary Evidence), paragraphs (1) through (3) and Article 137-2 through the preceding Article (Parties' Duty to Make Efforts When Offering of Documentary Evidence; Attaching a Translation; Period for Submission of a Copy of Documentary Evidence; Method of Filing a Petition for an Order to Submit a Document; Retention of Presented Documents; Electronic Records of the Examination of Evidence by Authorized Judges or Commissioned Judges; Method of Submission of a Document; Handling of Cases in Which Examination of Documentary Evidence Has Been Requested for Transcription of Audio Data or Audio Tapes; Clear Indication of Reasons When the Authenticity of Creation of a Document Is Denied; and Electronic Records Related to Documents to Be Used for Comparison of Handwriting) apply mutatis mutandis to the objects prescribed in Article 231 (Mutatis Mutandis Application to Objects Equivalent to Documents) of the Code, except as otherwise provided.

(Matters to Be Stated in Descriptions of Evidence for Photographs)

Article 148 When applying for the examination of evidence by means of photographs, audio tapes, etc., the subject of the photographing, recording, or video recording, as well as the date and place of such photographing, recording, or video recording must be specified in the description of evidence.

(Submission of a Document Explaining the Contents of an Audio Tape)

Article 149 (1) A party who has requested the examination of evidence for an audio tape, etc. must submit a document explaining the contents of the audio tape, etc. (including a document containing the transcription of the audio tape, etc.), if so requested by the court or the adverse party.

(2) The party referred to in the preceding paragraph must send the document referred to in that paragraph directly.

(3) If the adverse party has any opinions on the document referred to in paragraph (1), the adverse party must submit a document stating those opinions to the court.

Section 5-2 Examinations of Evidence That Involve the Content of Information Recorded in Electronic or Magnetic Records

(Method of Making a Request for the Examination of Evidence That Involves

the Content of Information Recorded in an Electronic or Magnetic Record;
Article 231-2 of the Code)

Article 149-2 When a request referred to in Article 231-2 (Requesting the Court to Examine Evidence in Connection with the Content of Information Recorded in Electronic or Magnetic Records), paragraph (1) of the Code is made by submitting an electronic or magnetic record, a copy of the electronic or magnetic record related to the request must, by the time the request is made and pursuant to the provisions of the detailed regulations of the Supreme Court, be recorded in the court's computer files using an electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), or a recording medium containing a copy of the electronic or magnetic record must be submitted, and a description of the electronic evidence (meaning an electronic or magnetic record that clearly indicates the title of the electronic or magnetic record, the person who prepared it, and the facts to be proved; the same applies in the following paragraph) must be submitted, unless those matters are apparent from the content of the information recorded in the electronic or magnetic record; provided, however, that if there are unavoidable circumstances, it is sufficient to submit them within a period specified by the presiding judge.

(2) A party making the request referred to in the preceding paragraph must send directly the copy of the electronic or magnetic record and the description of the electronic evidence referred to in that paragraph.

(3) When an electronic or magnetic record is submitted by using an electronic data processing system referred to in Article 231-2, paragraph (2) of the Code, the electronic or magnetic record is to be entered from a computer used by the person making the submission, as provided for by the detailed regulations of the Supreme Court.

(Method of Submitting an Electronic or Magnetic Record Subject to an Order to Submit an Electronic or Magnetic Record; Article 231-3 of the Code)

Article 149-3 When an electronic or magnetic record is submitted or sent using an electronic data processing system referred to in Article 231-3 (Mutatis Mutandis Application of Provisions on Documentary Evidence), paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 132-6 (Procedures for a Disposition on the Collection of Evidence), paragraph (6) of the Code), the submission or sending is to be made by entering the electronic or magnetic record from a computer used by the person making the submission or sending, pursuant to the detailed regulations of the Supreme Court.

(Mutatis Mutandis Application of Provisions on Documentary Evidence;
Article 231-3 of the Code)

Article 149-4 The provisions of Articles 137-2 through 139 (Parties' Duty to Make Efforts When Offering Documentary Evidence; Attaching a Translation; Period for Submission of a Copy of Documentary Evidence), Article 142 (Electronic Records of the Examination of Evidence by Authorized Judges or Commissioned Judges), Article 145 (Clear Indication of Reasons When the Authenticity of Creation of a Document Is Denied), Article 148 (Matters to Be Stated in Descriptions of Evidence for Photographs), and Article 149 (Submission of a Document Explaining the Contents of an Audio Tape, etc.) apply mutatis mutandis to the examination of evidence referred to in Article 231-2 (Requesting the Court to Examine Evidence in Connection with the Content of Information Recorded in Electronic or Magnetic Records), paragraph (1) of the Code; the provisions of Article 140 (Method of Filing a Petition for an Order to Submit a Document), paragraphs (1) and (2) of this Act apply mutatis mutandis to a petition for an order referred to in Article 223 (Order to Submit Documents), paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 231-3 (Mutatis Mutandis Application of Provisions Concerning Documentary), paragraph (1) of the Code; and the provisions of Article 140, paragraph (3) apply mutatis mutandis to the act of asking the court under the provisions of Article 222 (Procedures for Identifying a Document), paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 231-3, paragraph (1) of the Code. In this case, the phrase "paragraph (1) of the preceding Article (Offering of Documentary Evidence)" in Article 137-2, paragraph (2) is deemed to be replaced with "Article 149-2 (Method of Making a Request for the Examination of Evidence That Involves the Content of Information Recorded in an Electronic or Magnetic Record), paragraph (1)"; the phrase "copy of the document" in that paragraph is deemed to be replaced with "reproduction of an electronic or magnetic record"; the phrase "Article 137 (Offering of Documentary Evidence), paragraph (2)" in Article 138, paragraph (1) is deemed to be replaced with "Article 149-2 (Method of Making a Request for the Examination of Evidence That Involves the Content of Information Recorded in an Electronic or Magnetic Record), paragraph (2)"; the phrase "copy of the documentary evidence" in Article 139 is deemed to be replaced with "reproduction of an electronic or magnetic record"; the phrase "photograph or audio tape, etc." in Article 148 is deemed to be replaced with "electronic or magnetic record or audio data, etc. where data related to a photograph is recorded"; and the term "audio tape, etc." in Article 149, paragraph (1) is deemed to be replaced with "recorded audio data, etc.".

Section 6 Inspection of Evidence

(Method of Requesting an Inspection)

Article 150 When an inspection of evidence is requested, the object for inspection must be indicated.

(Presentation of an Object for Inspection; Article 232 of the Code)

Article 151 The provisions of Article 141 (Retention of Presented Documents) apply mutatis mutandis to the presentation of the object for inspection, and the provisions of Article 142 (Electronic Records of Examination of Evidence by Authorized Judges or Commissioned Judges) apply mutatis mutandis to electronic records in cases where an authorized judge or a commissioned judge inspects an object that has been presented or sent for inspection.

(Inspection of Evidence Using Audiovisual Transmissions; Article 232-2 of the Code)

Article 151-2 (1) When conducting an inspection by the method prescribed in Article 232-2 (Inspection of Evidence Using Audiovisual Transmissions) of the Code, the court must confirm the place where the object for inspection is located.

(2) If an inspection is conducted by the method referred to in the preceding paragraph, that fact and the place referred to in that paragraph must be recorded in an electronic record.

Section 7 Preservation of Evidence

(Examination of Evidence in the Procedure for Preservation of Evidence; Article 234 of the Code)

Article 152 The provisions of this Chapter apply to the examination of evidence in the procedure for the preservation of evidence.

(Method of Filing a Petition for Preservation of Evidence; Article 235 of the Code)

Article 153 (1) A petition for the preservation of evidence must be filed in writing.

(2) The document stated in the preceding paragraph must include the following matters:

- (i) information specifying the adverse party;
- (ii) facts to be proved;

- (iii) evidence;
 - (iv) grounds for preservation of evidence.
- (3) The grounds for preservation of evidence must be shown on a prima facie basis.

(Handover of Records of Preservation of Evidence)

Article 154 If evidence has been examined for the purpose of preserving that evidence, the court clerk of the court that conducted the examination must hand over the management of the records relating to the examination of evidence to the court clerk of the court in which the case record of the main proceedings is kept.

Chapter IV Judgment

(Electronic Judgments; Article 252 of the Code)

- Article 155 (1) A judge who has rendered a judgment must indicate that the electronic judgment was prepared by that judge and take the necessary measures to prevent alteration of the electronic judgment.
- (2) If a judge on the panel is unable to take the measures referred to in the preceding paragraph in relation to an electronic judgment, another judge must, before taking those measures, record in the electronic judgment the reasons for that inability.

(Notice of Date for Rendering the Judgment; Article 251 of the Code)

Article 156 A court clerk is to notify the parties in advance of the date and time for rendering the judgment; provided, however, that this does not apply where the date and time are announced on an appearance date, or where an action that is defective and cannot be cured is dismissed without oral arguments.

(Form Judgement; Article 253 of the Code)

- Article 157 (1) In rendering a judgment, the presiding judge reads aloud the main text of the judgement.
- (2) If the presiding judge finds it appropriate to do so, the presiding judge may read aloud the reasons for the judgment or orally state a summary of the reasons.
- (3) The recording of an electronic judgment in the court's computer files pursuant to the provisions of Article 253 (Form for Rendering Judgment), paragraph (2) of the Code, and the service of an electronic judgment by the method stated in Article 255 (Service of Electronic Judgments), paragraph (2), item (ii) of the Code, are to be carried out promptly after the judgment is

rendered.

- (4) Notwithstanding the provisions of paragraphs (1) and (2), when rendering a judgment under the provisions of Article 254 (Special Provisions on the Form for Rendering Judgment), paragraph (1) of the Code, the presiding judge states the main text of the judgment and an outline of the reasons for the judgement.

Article 158 (Deleted)

(Service of Electronic Judgments; Article 255 of the Code)

- Article 159 (1) An electronic judgment or an electronic record in lieu of the electronic judgment must be served (excluding service of an electronic judgment by the method stated in Article 255 (Service of Electronic Judgments), paragraph (2), item (ii) of the Code) within two weeks from the date on which the judgment is rendered.
- (2) The method specified by the Rules of the Supreme Court referred to in Article 255, paragraph (2), item (i) of the Code involves stating that the contents of the document referred to in that item are certified to be identical to the matters recorded in an electronic judgment or an electronic record in lieu of the electronic judgment, and having a court clerk affix their name and seal to that statement.

(Method of a Ruling to Correct a Judgment; Article 257 of the Code)

- Article 160 (1) When issuing a ruling to correct a judgment, the court must prepare an electronic written decision. A court clerk must serve the electronic written decision on the parties by any of the methods stated in each item of Article 255 (Service of Electronic Judgments), paragraph (2) of the Code.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to a supplemental ruling under the provisions of Article 259 (Declaration of Provisional Enforcement), paragraph (5) of the Code, and to a corrective ruling on an electronic record concerning a settlement, or a waiver or acknowledgment of a claim, under the provisions of Article 267-2 (Corrective Rulings Involving Electronic Records of Settlement), paragraph (1) of the Code.

(Method of Filing a Petition Referred to in Article 258, Paragraph (2) of the Code)

- Article 161 If a judicial decision on the bearing of court costs is omitted, a petition seeking a judicial decision on that matter must be filed in writing.

Chapter V Conclusion of Litigation by Means Other Than a Judicial Decision

(Handling of Cases Where an Action Is Withdrawn; Article 261 of the Code)

- Article 162 (1) A document for the withdrawal of an action is to be served by serving its duplicate submitted by the person who has made the withdrawal (or, if the action has been withdrawn using an electronic data processing system pursuant to the provisions of Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, the generated document to be served submitted by the person who has made the withdrawal).
- (2) The provisions of the preceding paragraph do not apply if the adverse party has filed the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code.
- (3) If an action has been withdrawn and the consent of the adverse party is not required, a court clerk must notify the adverse party of the withdrawal of the action.

(Written Acceptance of Proposed Terms of Settlement; Article 264 of the Code)

- Article 163 (1) When the court, etc. presents proposed terms of settlement based on the provisions of Article 264 (Written Acceptance of Proposed Terms of Settlement) of the Code, it must state or record those terms in a document or electronic or magnetic record. The effect prescribed in that Article must also be stated or recorded in that document or electronic or magnetic record.
- (2) In the case referred to in the preceding paragraph, if a document stating acceptance of the proposed terms of settlement has been submitted, the court, etc. must confirm the genuine intent of the party who submitted the document.
- (3) If a settlement is deemed to have been reached between the parties pursuant to the provisions of Article 264, paragraph (1) of the Code, a court clerk must record the settlement in an electronic record.
- (4) If a settlement is deemed to have been reached between the parties pursuant to the provisions of Article 264, paragraph (2) of the Code, the court, etc. is to have a court clerk prepare an electronic record in which the settlement is recorded.

(Terms of Settlement Set by the Court; Article 265 of the Code)

- Article 164 (1) The court, etc. must hear the opinions of the parties when intending to determine the terms of settlement pursuant to the provisions of

- Article 265 (Terms of Settlement Set by the Court), paragraph (1) of the Code.
- (2) If a settlement is deemed to have been reached between the parties pursuant to the provisions of Article 265, paragraph (5) of the Code, a court clerk must record the settlement in an electronic record.
- (3) In the case prescribed in the preceding paragraph, if an announcement of the terms of settlement is made by a method other than an announcement on an appearance date, the court, etc. is to have a court clerk prepare an electronic record. In this case, the fact that the announcement was made and the method by which it was made must also be recorded in the electronic record.

Chapter VI (Deleted)

Articles 165 through 167 (Deleted)

Chapter VII Special Provisions on Litigation Proceedings in Summary Court

(Handover of Records Upon Transfer Based on the Filing of a Counterclaim;
Article 274 of the Code)

Article 168 The provisions of Article 9 (Handover of Records Upon Transfer) apply mutatis mutandis when a judicial decision of transfer under Article 274 (Transfer Based on the Filing of a Counterclaim), paragraph (1) of the Code becomes final and binding.

(Electronic Records of Settlement Before an Action Is Filed; Article 275 of the Code)

Article 169 If a settlement is reached before an action is filed, a court clerk must record that fact in an electronic record.

(Omission of Recording of Witnesses' Statements in an Electronic Record)

Article 170 (1) With respect to electronic records of oral arguments in a summary court, statements by a witness, etc. or the results of an examination of evidence may be omitted from the electronic record with the permission of the judge. In this case, the parties may give their opinions when the judge grants permission.

(2) If the recording of an electronic record is omitted pursuant to the provisions of the preceding paragraph and if the judge so orders or a party so requests, a court clerk must prepare, for use by the parties in court proceedings, an electronic or magnetic record containing an audio or video recording of the statements of the witness, etc. or the results of the examination of evidence. In

this case, if a party so requests, the court clerk must permit copying of the electronic or magnetic record.

(Examinations Based on Communication Using Audiovisual Transmissions;
Article 277-2 of the Code)

- Article 170-2 (1) Examination of a witness or a party by the method prescribed in Article 277-2 (Examinations Based on Communication Using Audiovisual Transmissions) of the Code is conducted after hearing the opinions of the parties and by having the person to be examined appear at a place that the court finds appropriate. In this case, the place must not be a place where a person found by the court to be likely to unduly influence the content of the statements made by the person to be examined is present.
- (2) The provisions of Article 123 (Examinations Based on Communication Using Audiovisual Transmissions), paragraphs (3) and (4) apply *mutatis mutandis* to the examination of witnesses by the method referred to in the preceding paragraph.

(Submission of Documents in Lieu of Examination; Article 278 of the Code)

- Article 171 The provisions of Article 124 (Submission of Paper Documents in Lieu of Examination) apply *mutatis mutandis* when a document is submitted in lieu of examining a witness or the parties themselves or having an expert give an opinion pursuant to the provisions of Article 278 (Submission of Documents in Lieu of Examination), paragraph (1) of the Code.

(Questions by Judicial Commissioners)

- Article 172 If the judge finds it necessary, they may allow a judicial commissioner to directly question a witness, etc.

Part III Appeals

Chapter I Appeals to the Court of Second Instance

(Waiver of the Right to Appeal to the Court of Second Instance; Article 284 of the Code)

- Article 173 (1) In order to waive a right to file an appeal to the court of second instance, the relevant party must make a statement to the court of first instance before filing an appeal to the court of second instance, or to the court where the case record exists after filing an appeal to the court of second instance.
- (2) After the filing of an appeal to the court of second instance, the statement referred to in the preceding paragraph must be made along with the

withdrawal of the appeal to the court of second instance.

- (3) If the statement referred to in paragraph (1) has been made, a court clerk must notify the adverse party of that fact.

(Sending of a Case Upon Filing of Appeal to the Court of Second Instance)

Article 174 (1) When an appeal to the court of second instance has been filed, the court of first instance must send the case to the court of second instance without delay, except when the court of first instance has issued a ruling dismissing the appeal to the court of second instance.

- (2) With respect to the sending of a case under the provisions of the preceding paragraph, the court clerk of the court of first instance must hand over the management of the case record to the court clerk of the court of second instance.

(Petition for Appeal Stating Allegations and Evidence)

Article 175 A petition for appeal stating allegations and evidence is also to serve as a brief.

Article 176 (Deleted)

(Withdrawal of an Appeal to the Court of Second Instance; Article 292 of the Code)

Article 177 (1) If an appeal to the court of second instance is to be withdrawn, it must be withdrawn from the court where the case record is kept.

- (2) If an appeal to the court of second instance has been withdrawn, a court clerk must notify the adverse party of that fact.

(Incidental Appeals; Article 293 of the Code)

Article 178 The provisions concerning an appeal to the court of second instance apply *mutatis mutandis* to an incidental appeal.

(*Mutatis Mutandis* Application of Provisions on Litigation Proceedings in the First Instance; Article 297 of the Code)

Article 179 The provisions of Part II (Litigation Proceedings in the First Instance), Chapters I through V (Actions; Oral Arguments and Relevant Preparations; Evidence; Judgment; and Conclusion of Litigation by Means Other Than a Judicial Decision) apply *mutatis mutandis* to litigation proceedings in the second instance, except as otherwise provided.

(*Mutatis Mutandis* Application of Provisions Concerning Explanation Under

Article 167 of the Code; Article 298 of the Code)

Article 180 The provisions of Article 87 (Method of Explanation by a Party Under Article 167 of the Code) apply mutatis mutandis to the explanation by a party under Article 167 (Presentation of Allegations and Evidence After the Close of Preliminary Oral Arguments) of the Code as applied mutatis mutandis pursuant to Article 298 (Effect of Procedural Acts from the First Instance), paragraph (2) of the Code; and the provisions of Article 94 (Method of Explanation by a Party Under Article 178 of the Code) apply mutatis mutandis to the explanation by a party under Article 178 (Presenting Allegations and Evidence After the Close of Written Preparatory Proceedings) of the Code as applied mutatis mutandis pursuant to Article 298, paragraph (2) of the Code.

(Time Frame for Presenting Allegations and Evidence; Article 301 of the Code)

Article 181 The provisions of Article 139 (Period for Submission of a Copy of Documentary Evidence) (including as applied mutatis mutandis pursuant to Article 149-4 (Mutatis Mutandis Application of Provisions on Documentary Evidence)) apply mutatis mutandis to cases where the presiding judge has specified a period during which a request for the examination of evidence related to the content of data recorded in documentary evidence or an electronic or magnetic record (limited to a request made by submitting a document or an electronic or magnetic record) is to be made pursuant to the provisions of Article 301 (Time Frame for Presenting Allegations and Evidence), paragraph (1) of the Code, and the provisions of Article 87 (Method of Explanation by a Party Under Article 167 of the Code), paragraph (1) apply mutatis mutandis to the explanation by a party under the provisions of Article 301, paragraph (2) of the Code.

(Document Stating Grounds for Reversal of the Judgment of First Instance)

Article 182 If the grounds for seeking reversal or modification of the judgment of the first instance are not stated specifically in the petition for an appeal, the appellant must submit a document containing that statement to the court of second instance within 50 days from the filing of the appeal to the court of second instance.

(Written Counterarguments)

Article 183 By specifying a reasonable period, the presiding judge may direct the appellee to submit a document stating their allegations against the grounds for seeking reversal or modification of the judgment of the first instance that are alleged by the appellant.

(Citation of an Electronic Judgment of the First Instance)

Article 184 The record of facts and reasons in the electronic judgment of the second instance or in the electronic record in lieu of the electronic judgment may be made by citing the electronic judgment of the first instance or the electronic record in lieu of the electronic judgment.

(Handover of Records to the Court of First Instance)

Article 185 Once litigation is concluded in the second instance, the court clerk of the court of second instance must hand over the management of the case record to a court clerk of the court of first instance.

Chapter II Final Appeals

(Mutatis Mutandis Application of Provisions on Appeals to the Court of Second Instance; Article 313 of the Code)

Article 186 The provisions of the preceding Chapter (Appeals to the Court of Second Instance) apply mutatis mutandis to a final appeal and the litigation proceedings in the final appellate instance, except as otherwise provided.

Article 187 (Deleted)

(Handling of a Final Appeal and a Petition for Acceptance of Final Appeal Are Filed in a Single Document)

Article 188 If a notice of final appeal and a petition for acceptance of final appeal are filed in a single document, the document must state that it serves both as a notice of final appeal and a petition for acceptance of final appeal. In this case, if the document states the reasons for the final appeal and the reasons for the petition for acceptance of final appeal, those reasons must be set out separately.

(Service of Electronic Notice of Final Appeal)

Article 189 (1) If a final appeal has been filed, an electronic notice of final appeal (meaning an electronic or magnetic record prepared by a court clerk to notify the parties that a final appeal has been filed; the same applies below) must be served on the parties, except where an order dismissing the notice of final appeal or a decision dismissing the final appeal under the provisions of Article 316 (Denial of a Final Appeal by the Court of Prior Instance), paragraph(1), item (i) of the Code has been issued.

(2) When an electronic notice of final appeal is served on the appellee of the final

appeal pursuant to the provisions of the preceding paragraph, the notice of final appeal must be served at the same time.

(3) If a final appeal has been filed before the service of the electronic judgment of court of prior instance or the electronic record in lieu of the electronic judgment, the service of the electronic notice of final appeal under the provisions of paragraph (1) must be made along with the electronic judgment or the electronic record in lieu of the electronic judgment.

(4) When an electronic notice of final appeal is prepared, a court clerk must record it in the court's computer files.

(Method of Stating Reasons for Final Appeal Under Article 312, Paragraphs (1) and (2) of the Code; Article 315 of the Code)

Article 190 (1) If a final appeal is filed on the grounds that a judgment contains a misinterpretation of the Constitution or any other violation of the Constitution, the reasons for the final appeal must state the relevant provisions of the Constitution and indicate the grounds on which the judgement is alleged to violate the Constitution. In this case, if those grounds relate to litigation proceedings, the facts constituting the violation of the Constitution must also be stated.

(2) If a final appeal is filed on any of the grounds listed in the items of Article 312 (Grounds for Final Appeal), paragraph (2) of the Code, the reasons for the final appeal must be stated by indicating the applicable provisions and the facts that falls under those provisions.

(Method of Stating Reasons for Final Appeal Under Article 312, Paragraph (3) of the Code; Article 315 of the Code)

Article 191 (1) If a final appeal is filed on the grounds that there has been a violation of a law or regulation that clearly affected a judgment, the reasons for the final appeal must be stated by indicating the relevant law or regulation and the grounds on which it is alleged to have been violated.

(2) If a law or regulation is indicated pursuant to the provisions of the preceding paragraph, the provisions or contents of that law or regulation (or, in the case of a non-statutory law or regulation, its gist) must be stated.

(3) When the grounds constituting a violation of a law or regulation are indicated pursuant to the provisions of paragraph (1), the facts constituting that violation must be stated if that law or regulation relates to litigation proceedings.

(Indication of Precedents)

Article 192 In the final appeal prescribed in the preceding two Articles (Method

of Stating Reasons for Final Appeal Under Article 312, Paragraphs (1) and (2) of the Code; and Method of Stating Reasons for Final Appeal Under Article 312, Paragraph (3) of the Code), when alleging that a judgment contains a determination that is inconsistent with precedents rendered by the Supreme Court (or precedents rendered by the former Supreme Court or those rendered by a high court as the final appellate court or the court of second instance, if there are no precedents rendered by the Supreme Court), those precedents must be specifically indicated.

(Method of Stating the Reasons for a Final Appeal)

Article 193 The reasons for a final appeal must be stated specifically.

(Period for Submission of a Statement of Reasons for a Final Appeal; Article 315 of the Code)

Article 194 The period for submitting a statement of reasons for a final appeal is 50 days from the day on which the appellant was served with an electronic notice of final appeal under the provisions of Article 189 (Service of Electronic Notice of Final Appeal), paragraph (1).

(Document Stating Reasons for Final Appeal)

Article 195 The document stating the reasons for a final appeal must be accompanied by as many duplicates as there are appellees of the final appeal (excluding appellees who have filed the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code with regard to service of the document; or, if the matters to be stated in the document have been recorded in the court's computer files pursuant to the provisions of Article 132-10 (Filing Motions and Statements Using an Electronic Data Processing System), paragraph (1) of the Code, by documents prepared by outputting those matters).

(Order to Correct; Article 316 of the Code)

Article 196 (1) If it is clear that all of the stated reasons for an appeal in a petition for a final appeal or in a statement of the reasons for a final appeal submitted within the period referred to in Article 194 (Period for Submission of a Statement of Reasons for a Final Appeal) are in violation of the provisions of Article 190 (Method of Stating Reasons for Final Appeal Under Article 312, Paragraphs (1) and (2) of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Under Article 312, Paragraph (3) of the Code), the court of prior instance must issue a ruling specifying a reasonable period and ordering that the defects be corrected within that period.

- (2) A ruling to dismiss a final appeal without prejudice under Article 316 (Denial of a Final Appeal by the Court of Prior Instance), paragraph (1), item (ii) of the Code (limited to a ruling based on the reason that the stated reasons for a final appeal clearly violate the provisions of Article 315 (Entry of Grounds for Final Appeal), paragraph (2) of the Code) is to be issued if the appellant of the final appeal does not correct the defects within the period specified pursuant to the provisions of the preceding paragraph.

(Sending the Case to the Final Appellate Court)

Article 197 (1) The court of prior instance must send the case to the final appellate court except when an order to dismiss the petition for a final appeal or a ruling to dismiss the final appeal has been issued. In this case, the court of prior instance may attach its opinion as to whether the facts relating to the litigation proceedings that the appellant of the final appeal has indicated in the reasons for the final appeal exist.

- (2) With respect to the sending of a case under the provisions of the preceding paragraph, a court clerk of the court of prior instance must hand over the management of the case record to a court clerk of the final appellate court.
- (3) When a court clerk of the final appellate court takes over the management of the case record under the provisions of the preceding paragraph, the court clerk must promptly notify the parties of that fact.

(Service of the Statement of Reasons for a Final Appeal)

Article 198 If the final appellate court has received a case sent by the court of prior instance, and does not issue a ruling to dismiss the final appeal under Article 317 (Denial of a Final Appeal by the Final Appellate Court), paragraph (1) of the Code or a ruling to dismiss the final appeal with prejudice under paragraph (2) of that Article, it must serve a duplicate of the statement of the reasons for the final appeal on the appellee of the final appeal; provided, however, that this does not apply if the final appellate court finds this unnecessary when conducting proceedings and making a judicial decision without oral arguments.

(Petitioning the Supreme Court to Accept a Final Appeal; Article 318 of the Code)

Article 199 (1) The statement of the reasons for a petition for acceptance of final appeal must indicate that the judgment of prior instance contains a determination that is inconsistent with precedents rendered by the Supreme Court (or precedents rendered by the former Supreme Court or by a high court acting as the final appellate court or the court of second instance, if there are

no precedents rendered by the Supreme Court) or involves other material matters concerning the interpretation of laws and regulations. In this case, the provisions of Article 191 (Method of Stating Reasons for Final Appeal Under Article 312, Paragraph (3) of the Code), paragraphs (2) and (3) apply *mutatis mutandis*.

- (2) The provisions of Article 186 (Mutatis Mutandis Application of Provisions on Appeals to the Court of Second Instance), Articles 189 (Service of Electronic Notice of Final Appeal) and 192 through the preceding Article (Indication of Precedents; Method of Stating the Reasons for a Final Appeal; Period for Submission of a Statement of Reasons for a Final Appeal; Document Stating Reasons for Final Appeal; Order to Correct; Sending the Case to the Final Appellate Court; and Service of the Statement of Reasons for a Final Appeal) apply *mutatis mutandis* to a petition for acceptance of final appeal. In this case, the phrase "electronic notice of final appeal" in Articles 189 and 194 is deemed to be replaced with "electronic notice of petition for acceptance of final appeal"; the phrase "the fact that a final appeal has been filed" in Article 189, paragraph (1) is deemed to be replaced with "the fact that a petition for acceptance of final appeal has been filed"; the phrase "appellee of the final appeal" in Article 189, paragraph (2), Article 195, and the preceding Article is deemed to be replaced with "adverse party"; and the phrase "Article 190 (Method of Stating Reasons for Final Appeal Under Article 312, Paragraphs (1) and (2) of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Under Article 312, Paragraph (3) of the Code)" in Article 196, paragraph (1) is deemed to be replaced with "Article 199 (Petitioning the Supreme Court to Accept a Final Appeal), paragraph (1)".

(Ruling to Accept a Final Appeal; Article 318 of the Code)

Article 200 When issuing a ruling accepting a case as the final appellate court, the Supreme Court must specify in that ruling any reasons stated in the petition for acceptance of final appeal that are excluded pursuant to the provisions of Article 318 (Petitioning the Supreme Court to Accept a Final Appeal), paragraph (3) of the Code.

(Order to Submit a Written Answer)

Article 201 The final appellate court or the presiding judge of the Supreme Court in charge when a petition for acceptance of final appeal was filed may order the appellee of the final appeal or the adverse party to submit a written answer within a reasonable period.

(Handover of Records After a Judgment of Remand; Article 325 of the Code)

Article 202 If a judgment of remand or transfer is made, a court clerk of the final appellate court must hand over the management of the case record to a court clerk of the court to which the case has been remanded or transferred.

(Transfer to the Supreme Court; Article 324 of the Code)

Article 203 A high court, as the final appellate court, transfers a case to the Supreme Court pursuant to the provisions of Article 324 (Transfer to the Supreme Court) of the Code if the opinion of the high court on the interpretation of the Constitution or any other law or regulation is inconsistent with precedents rendered by the Supreme Court (or precedents rendered by the former Supreme Court or those rendered by a high court as the final appellate court or the court of second instance, if there are no precedents rendered by the Supreme Court).

(Special Appeal to the Court of Last Resort; Article 327 of the Code)

Article 204 With regard to the appeal referred to in Article 327 (Special Appeal to the Court of Last Resort), paragraph (1) of the Code (including as applied *mutatis mutandis* pursuant to Article 380 (Appeal Against a Judgment After Objection), paragraph (2) of the Code) and the litigation proceedings in the final appellate instance, the provisions concerning final appeals against final judgments of courts of second instance or courts of first instance and the litigation proceedings in the final appellate instance apply *mutatis mutandis*, unless incompatible with their nature.

Chapter III Appeal Against a Ruling

(*Mutatis Mutandis* Application of Provisions on Appeals to the Court of Second Instance or Final Appeal; Article 331 of the Code)

Article 205 Regarding an appeal against a ruling and the litigation proceedings in the court in charge of an appeal against a ruling, the provisions of Chapter I (Appeals to the Court of Second Instance) apply *mutatis mutandis*, unless incompatible with their nature; provided, however, that regarding an appeal against a ruling referred to in Article 330 (Re-appeal from Appeal Against Ruling) of the Code and the litigation proceedings for that appeal, the provisions of the preceding Chapter (Final Appeals) concerning final appeals against final judgments of courts of second instance or courts of first instance and the litigation proceedings in the final appellate instance apply *mutatis mutandis*.

(Sending a Case to a Court in Charge of an Appeal Against a Ruling)

Article 206 If the court of prior instance finds an appeal against a ruling to be groundless, it must send the case, together with its opinion, to the court in charge of the appeal.

(Documents Stating Grounds for Reversal of a Judicial Decision of Prior Instance)

Article 207 If an appeal is filed against a ruling other than that referred to in Article 330 (Re-appeal from Appeal Against Ruling) of the Code, and if grounds for seeking reversal or modification of a judicial decision of prior instance are not stated specifically in the petition for an appeal against a ruling, the appellant must submit a document containing that statement to the court of prior instance within 14 days from the filing of the appeal against a ruling.

(Sending of Copy of a Petition for Appeal)

Article 207-2 (1) If an appeal other than an appeal referred to in Article 330 (Re-appeal from Appeal Against Ruling) of the Code is filed, the court in charge of an appeal is to send a copy of the petition for appeal to the adverse party; provided, however, that this does not apply if the appeal is unlawful, if the court finds the appeal groundless, or if the court finds it inappropriate to send a copy of the petition for appeal.

(2) When sending a copy of a petition for appeal to the adverse party pursuant to the provisions of the preceding paragraph, a copy of the document referred to in the preceding Article (limited to a document submitted within 14 days from the filing of the appeal) is to be sent at the same time.

(Special Appeal Against Ruling to the Supreme Court; Article 336 of the Code)

Article 208 Regarding an appeal against a ruling referred to in Article 336 (Special Appeal Against Ruling to the Supreme Court), paragraph (1) of the Code and the litigation proceedings for that appeal, the provisions concerning an appeal referred to in Article 327 (Special Appeal to the Court of Last Resort), paragraph (1) of the Code and the litigation proceedings in the appellate instance apply *mutatis mutandis*, unless incompatible with their nature.

(Appeal with Permission; Article 337 of the Code)

Article 209 The provisions of Article 186 (*Mutatis Mutandis* Application of Provisions on Appeals to the Court of Second Instance), Article 189 (Service of Electronic Notice of Final Appeal), Article 192 (Indication of Precedents), Article 193 (Method of Stating the Reasons for a Final Appeal), Article 195

(Document Stating Reasons for Final Appeal), Article 196 (Order to Correct), and Article 199 (Petitioning the Supreme Court to Accept a Final Appeal), paragraph (1) apply mutatis mutandis to the petition referred to in Article 337 (Appeal with Permission), paragraph (2) of the Code, the provisions of Article 200 (Ruling to Accept a Final Appeal) apply mutatis mutandis to giving permission under the provisions of Article 337, paragraph (2) of the Code, and the provisions of the preceding Article (Special Appeal Against Ruling to the Supreme Court) apply mutatis mutandis to cases where permission under the provisions of Article 337, paragraph (2) of the Code has been given. In this case, the phrase "electronic notice of final appeal" in Article 189 is deemed to be replaced with "electronic notice of a petition for permission for appeal", and the phrase "the fact that a final appeal has been filed" in paragraph (1) of that Article is deemed to be replaced with "the fact that the petition referred to in Article 337 (Appeal with Permission), paragraph (2) of the Code has been filed".

(Period for Submitting a Statement of Reasons for an Appeal Against a Ruling
When Filing a Re-appeal from an Appeal Against a Ruling)

Article 210 With regard to an appeal referred to in Article 330 (Re-appeal from Appeal Against Ruling) of the Code or an appeal referred to in Article 336 (Special Appeal Against Ruling to the Supreme Court), paragraph (1) of the Code, the period for submitting a statement of reasons for an appeal is 14 days from the day on which the appellant was served with an electronic notice of appeal under the provisions of Article 189 (Service of Electronic Notice of Final Appeal), paragraph (1) as applied mutatis mutandis pursuant to the proviso to Article 205 (Mutatis Mutandis Application of Provisions on Appeals to the Court of Second Instance or Final Appeal) and Article 208 (Special Appeal Against Ruling to the Supreme Court) (that electronic notice meaning an electronic or magnetic record prepared by a court clerk to give notice of the fact that an appeal referred to in Article 330 of the Code or an appeal referred to in Article 336, paragraph (1) of the Code has been filed).

(2) The provisions of the preceding paragraph apply mutatis mutandis to the period for submission of a statement of reasons related to the petition referred to in Article 337 (Appeal with Permission), paragraph (2) of the Code. In this case, the phrase "electronic notice of appeal" in the preceding paragraph is deemed to be replaced with "electronic notice of a petition for permission for appeal", and the phrase "an appeal referred to in Article 330 of the Code or an appeal referred to in Article 336, paragraph (1) of the Code" in that paragraph is deemed to be replaced with "a petition referred to in Article 337 (Appeal with Permission), paragraph (2) of the Code".

Part IV Retrial

(Litigation Proceedings in a Retrial; Article 341 of the Code)

- Article 211 (1) A complaint demanding a retrial must be accompanied by a copy of the judgment against which the objection is made (excluding judgments for which an electronic judgment or an electronic record in lieu of the electronic judgment has been prepared; the same applies below in this Article).
- (2) Pursuant to the provisions of the detailed regulations of the Supreme Court, the plaintiff may submit the image data related to the judgment referred to in the preceding paragraph by recording it in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), in lieu of attaching a copy of that judgment.
- (3) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the attachment of a copy of the judgment referred to in paragraph (1). In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 211 (Litigation Proceedings in a Retrial), paragraph (2) of the Rules of Civil Procedure".
- (4) In addition to what is provided for in the preceding three paragraphs, the provisions concerning litigation proceedings in each instance apply mutatis mutandis to litigation proceedings in a retrial, unless incompatible with the nature of those proceedings.

(Retrial over a Ruling or Order; Article 349 of the Code)

- Article 212 The provisions of the preceding Article (Litigation Proceedings in a Retrial) apply mutatis mutandis to a petition for a retrial referred to in Article 349 (Retrial over a Ruling or Order), paragraph (1) of the Code.

Part V Special Provisions on Actions on Bills or Notes and Actions on Checks

(Designation of the First Date for Oral Arguments)

- Article 213 (1) If an action on bills and notes has been filed, the presiding judge must immediately designate a date for oral arguments and summon the parties.
- (2) An electronic writ of summons issued to a party for the date referred to in the preceding paragraph must state that the party should, before that date, make

the necessary preparations for assertions, the offering of evidence, and the examination of evidence.

- (3) In addition to the matters prescribed in the preceding paragraph, an electronic writ of summons issued to the defendant must contain a statement that the defendant should submit a written answer within the period specified by the presiding judge and the purport of the provisions of Article 354 (Conclusion of Oral Arguments) of the Code.

(The Single-Day Trial Principle)

Article 214 In an action on bills and notes, a trial must be completed on the first date for oral arguments unless there are unavoidable circumstances.

(Changing the Date for Oral Arguments or Continuing Oral Arguments)

Article 215 When changing a date for oral arguments or continuing oral arguments, the presiding judge must designate the next date within 15 days after the previous date, unless there are unavoidable circumstances.

(Indication of a Judgment on Bills and Notes)

Article 216 An electronic judgment in an action on bills and notes or an electronic record in lieu of the electronic judgment must indicate that it is a judgment rendered in an action on bills and notes.

(Method of Making an Objection; Article 357 of the Code)

Article 217 (1) An objection must be made in writing.

- (2) The court must send the document referred to in the preceding paragraph to the adverse party.
- (3) The document referred to in paragraph (1) that contains the matters listed in Article 161 (Briefs), paragraph (2) of the Code is also to serve as a brief.

(Waiver of a Right to Make an Objection and Withdrawal of an Objection; Article 358 of the Code)

- Article 218 (1) In order to waive a right to make an objection, the relevant person must be made by a statement to the court.
- (2) If the statement referred to in the preceding paragraph has been made, a court clerk must notify the adverse party of that fact.
- (3) The provisions of Article 162 (Handling of Cases Where an Action Is Withdrawn), paragraphs (1) and (2) apply mutatis mutandis to the service of a document for the withdrawal of an objection.

(Citation of an Electronic Judgment in an Action on Bills and Notes)

Article 219 The record of the facts and reasons in an electronic judgment or an electronic record in lieu of the electronic judgment in an action after an objection may be made by citing the electronic judgment or the electronic record in lieu of the electronic judgment in an action on bills and notes.

(Transfer from Demand Procedures to an Action on Bills or Notes; Article 366 of the Code)

Article 220 (1) When filing a petition for a demand for payment by making a statement indicating that a trial and judicial decision are sought by an action on bills and notes, a copy of the negotiable instrument subject to that action must be submitted at the same time.

- (2) In lieu of submitting a copy of a negotiable instrument under the provisions of the preceding paragraph, a person filing a petition for a demand for payment referred to in that paragraph may submit the image data of the negotiable instrument by recording that data in the court's computer files using the electronic data processing system referred to in Article 52-10 (Electronic Data Processing System), paragraph (1), pursuant to the provisions of the detailed regulations of the Supreme Court.
- (3) The provisions of Article 132-11 (Special Provisions on the Filing of Motions and Statements Using an Electronic Data Processing System), paragraphs (1) and (3) of the Code apply mutatis mutandis to the submission of a copy of the negotiable instrument under the provisions of paragraph (1). In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of that Article is deemed to be replaced with "Article 220 (Transfer from Demand Procedures to an Action on Bills or Notes), paragraph (2) of the Rules of Civil Procedure".
- (4) A person filing an application for a demand for payment referred to in paragraph (1) must also submit as many copies of the relevant negotiable instrument as there are obligors to be served with the demand for payment (excluding an adverse party that has filed the notification referred to in the proviso to Article 109-2 (Effecting Service Using an Electronic Data Processing System), paragraph (1) of the Code).
- (5) A copy of a negotiable instrument submitted pursuant to the provisions of the preceding paragraph must be served on the obligor along with the electronic demand for payment to be served on the obligor.
- (6) In the case prescribed in paragraph (1), the fact that the statement referred to in that paragraph has been made must be recorded in the electronic demand for payment.

(Action on Checks; Article 367 of the Code)

Article 221 The provisions of this Part apply mutatis mutandis to an action on

checks.

Part VI Special Provisions on Small Claims Actions

(Explanation of Procedures)

Article 222 (1) When summoning a party to the first date for oral arguments in a small claims action, a court clerk must send the party a document or an electronic or magnetic record explaining the contents of the procedures for trial and judicial decision in a small claims action.

(2) At the beginning of the proceedings on the date referred to in the preceding paragraph, the judge must explain the following matters to the parties:

- (i) evidence may be examined only if it can be examined immediately;
- (ii) the defendant may request that the action be transferred to ordinary proceedings; however, the defendant may not do so after presenting oral arguments on the first date for oral arguments or after that date has concluded; and
- (iii) an objection may be filed with the court that rendered the final judgment in the small claims action within an inalterable period of two weeks from the day on which the electronic judgment or the electronic record in lieu of the electronic judgment was served.

(Number of Times Small Claims Actions May Be Sought; Article 368 of the Code)

Article 223 The number of times specified by the Rules of the Supreme Court referred to in the proviso to Article 368 (Requirements for Small Claims Actions), paragraph (1) of the Code is ten times.

(Order for a Party to Appear)

Article 224 Even if a litigation representative has been appointed, the court may order the party or their legal representative to appear.

(Request for Examination of a Witness)

Article 225 When requesting the examination of a witness, it is not necessary to submit a statement of matters for examination.

(Examination of a Witness by a Method of Communication Through Audio Transmissions; Article 372 of the Code)

Article 226 (1) At the request of a party, a witness may be examined by a method that enables the court, both parties, and the witness to communicate simultaneously with one another by audio transmissions.

- (2) The request referred to in the preceding paragraph must specify the telephone number and location of the party receiving the call.
- (3) If the court finds the location referred to in the preceding paragraph to be inappropriate, the court may order the party who has made the request referred to in paragraph (1) to change the location.
- (4) When an examination referred to in paragraph (1) is conducted, a facsimile may be used to transmit and present a copy of a document, or to take any other measures necessary for conducting the examination.
- (5) The provisions of Article 30-2 (Dates for Oral Arguments Based on Communication Using Audiovisual Transmissions) apply *mutatis mutandis* to cases in which an examination referred to in paragraph (1) is conducted.

(Recording of Statements by a Witness in an Electronic Record)

Article 227 (1) It is not required to record the statements of a witness, etc. in an electronic record.

- (2) If the judge so orders or a party so requests before the examination of a witness or the oral statement of an opinion by an expert, the court clerk must prepare, for use by the parties in court proceedings, an electronic or magnetic record containing an audio or video recording of the witness's or expert's statements. In this case, if a party so requests, the court clerk must permit copying of that electronic or magnetic record.

(Transfer to Ordinary Proceedings; Article 373 of the Code)

Article 228 (1) The defendant must make a statement requesting to transfer the action to ordinary proceedings in writing, except when the statement is made on an appearance date.

- (2) If the statement referred to in the preceding paragraph has been made, a court clerk must promptly notify the plaintiff of the fact that the action has been transferred to ordinary proceedings as a result of that statement; provided, however, that this does not apply if the statement was made on a date on which the plaintiff appeared.
- (3) If the court has issued a ruling to the effect that a trial and judicial decision related to the action is to be made through ordinary proceedings, a court clerk must promptly notify the parties of that fact.

(Judgment; Article 374 of the Code)

Article 229 (1) An electronic judgment in a small claims action or the electronic record in lieu of the electronic judgment must indicate that it is a small claims judgment.

- (2) The provisions of Article 157 (Method of Rendition), paragraph (4) apply

mutatis mutandis when a judgment is rendered in a small claims action pursuant to the provisions of Article 254 (Special Provisions on the Form for Rendering Judgment), paragraph (1) of the Code.

(Method of Making an Objection; Article 378 of the Code)

Article 230 The provisions of Article 217 (Method of Making an Objection) and Article 218 (Waiver of a Right to Make an Objection and Withdrawal of an Objection) apply mutatis mutandis to an objection against a final judgment in a small claims action.

(Electronic Judgment in an Action After an Objection)

Article 231 (1) An electronic judgment or the electronic record in lieu of the electronic judgment in an action after an objection must indicate that it is a small claims objection judgment.

(2) The provisions of Article 219 (Citation of an Electronic Judgment in an Action on Bills and Notes) apply mutatis mutandis to the record of the facts and reasons in an electronic judgment or in the electronic record in lieu of the electronic judgment in an action after objection.

Part VII Special Provisions on Court Proceedings in a Trial with a Statutory-Limited Duration

(Responsibilities of the Parties)

Article 231-2 The parties must endeavor to present their allegations and evidence at an early stage and to ensure the planned and expeditious progress of court proceedings in a trial with a statutory-limited duration.

(Request Referred to in Article 381-2, Paragraph (1) of the Code)

Article 231-3 (1) The parties must submit a document stating the following matters promptly after making the request referred to in Article 381-2 (Requirements for Court Proceedings in a Trial with a Statutory-Limited Duration), paragraph (1) of the Code or giving the consent referred to in the second sentence of paragraph (2) of that Article:

- (i) the expected principal issues and the facts relevant to those principal issues;
- (ii) evidence on each of the expected principal issues;
- (iii) an outline of the negotiations between the parties and other developments leading to the litigation.

(2) The document referred to in the preceding paragraph must be accompanied by a copy of the documentary evidence on the expected principal issues.

- (3) The provisions of Article 55 (Documents to Be Attached to a Complaint), paragraphs (3) and (4) apply *mutatis mutandis* to attaching a copy of the documentary evidence referred to in the preceding paragraph.

(Procedures on the Date Referred to in Article 381-3, Paragraph (1) of the Code)

Article 231-4 (1) The court and the parties are to hold a consultation on necessary matters concerning the progress of litigation on the date referred to in Article 381-3 (Trials in Court Proceedings in a Trial with a Statutory-Limited Duration), paragraph (1) of the Code.

- (2) Before the date referred to in the preceding paragraph, the presiding judge may hear from the parties the matters that are necessary for holding a consultation on the necessary matters concerning the progress of the litigation on the date.
- (3) When conducting the hearing referred to in the preceding paragraph, the presiding judge may order a court clerk to conduct the hearing.

(Contents of a Brief)

Article 231-5 (1) When a party prepares a brief in court proceedings in a trial with a statutory-limited duration, the party must state the matters in the brief concisely by clearly distinguishing the principal issues from the facts related to those issues.

- (2) When stating the relevant facts referred to in the preceding paragraph, the parties must limit their statements to important facts related to the principal issues insofar as possible.

(Offer of Evidence)

Article 231-6 When offering evidence in court proceedings in a trial with a statutory-limited duration, a party must carefully select the evidence necessary to prove the facts to be proved.

(Confirmation of Matters to Be Judged in a Judgment in Court Proceedings in a Trial with a Statutory-Limited Duration; Article 381-3 of the Code)

Article 231-7 (1) If it is necessary for the confirmation under Article 381-3 (Trials in Court Proceedings in a Trial with a Statutory-Limited Duration), paragraph (4) of the Code, the presiding judge may order a party to submit a document stating the matters to be determined in the judgment in court proceedings in a trial with a statutory-limited duration and an outline of the allegations and evidence of each party relating to those matters.

- (2) If the matters to be determined in a judgment in court proceedings in a trial

with a statutory-limited duration are confirmed on an appearance date pursuant to the provisions of Article 381-3, paragraph (4) of the Code, those matters must be recorded in an electronic record. If the matters are confirmed on a date other than an appearance date, the presiding judge, the authorized judge, or a commissioned judge is to have a court clerk prepare an electronic record recording those matters.

(Transfer to Ordinary Proceedings; Article 381-4 of the Code)

Article 231-8 (1) The request referred to in Article 381-4 (Transfer to Ordinary Proceedings), paragraph (1), item (i) of the Code must be made in writing, except when the request is made on an appearance date.

(2) If a ruling referred to in Article 381-4, paragraph (1) of the Code is made, the court clerk must promptly notify the parties that the action has been transferred to ordinary proceedings.

(Indicating a Judgment in Court Proceedings in a Trial with a Statutory-Limited Duration)

Article 231-9 An electronic judgment for court proceedings in a trial with a statutory-limited duration must indicate that it is a statutory-trial-period judgment.

(Objections; Article 381-7 of the Code)

Article 231-10 The provisions of Article 217 (Method of Making an Objection) and Article 218 (Waiver of a Right to Make an Objection and Withdrawal of an Objection) apply mutatis mutandis to objections to the final judgment in court proceedings in a trial with a statutory-limited duration.

Part VIII Demand Procedures

(Mutatis Mutandis Application of Provisions Concerning an Action; Article 384 of the Code)

Article 232 The provisions concerning an action apply mutatis mutandis to a petition for a demand for payment, unless incompatible with the nature of such petition.

(Method of Recording an Electronic Demand for Payment in the Court's Computer Files)

Article 233 When a court clerk prepares an electronic demand for payment and records it in the court's computer files, the court clerk must indicate that it was prepared by the court clerk and take the necessary measures to prevent

alteration of the electronic demand for payment.

(Service of Electronic Demand for Payment; Article 388 of the Code)

Article 234 (1) An electronic demand for payment is to be served on the obligor by any of the methods stated in the following items:

- (i) serving a document that states the matters recorded in the electronic demand for payment and contains a statement indicating that it certifies that the contents of the document are the same as the matters recorded in the electronic demand for payment, and to which the court clerk has affixed their name and seal;
 - (ii) service under the provisions of Article 109-2 (Effecting Service Using an Electronic Data Processing System) of the Code.
- (2) After issuing a demand for payment, a court clerk must notify the obligee of that fact.

(Motions or Statements for Declaration of Provisional Enforceability; Article 391 of the Code)

Article 235 (1) A petition for a declaration of provisional enforceability must specify the amount of costs of the proceedings.

- (2) The consent of the obligee prescribed in the proviso to Article 391 (Declaration of Provisional Enforceability), paragraph (2) of the Code is to be given at the time of filing the petition for a declaration of provisional enforceability.

(Service of an Electronic Demand for Payment Bearing a Declaration of Provisional Enforceability; Article 391 of the Code)

Article 236 (1) The provisions of Article 234 (Service of Electronic Demand for Payment), paragraph (1) apply mutatis mutandis to the service on the parties of an electronic demand for payment with a declaration of provisional enforceability.

- (2) The document referred to in the proviso to Article 391 (Declaration of Provisional Enforceability), paragraph (2) of the Code must contain a statement certifying that the content of the document is the same as the matters recorded in the electronic demand for payment bearing a declaration of provisional enforceability, and a court clerk must affix their name and seal to the document.

(Handover of Records Upon Transfer to Litigation; Article 395 of the Code)

Article 237 If an action is deemed to have been filed with a district court pursuant to the provisions of Article 395 (Transfer to Litigation Based on an

Objection to a Demand) of the Code, a court clerk must, without delay, hand over the management of the case record to a court clerk of that district court.

Part IX Stays of Enforcement

(Method of Filing a Petition for Stay of Execution; Article 403 of the Code)

Article 238 The petition prescribed in Article 403 (Judicial Decision for a Stay of Enforcement), paragraph (1) of the Code must be filed in writing.

Part X Miscellaneous Provisions

(Examination and Preservation of Evidence as Commissioned Under Article 150, Paragraph (6) of the Patent Act)

Article 239 With regard to the examination or preservation of evidence conducted by a judge of a district court or a summary court upon commission under Article 150 (Examination and Preservation of Evidence), paragraph (6) of the Patent Act (Act No. 121 of 1959) (including as applied mutatis mutandis pursuant to that Act or any other Act), the provisions of these Rules concerning the examination and preservation of evidence apply mutatis mutandis; provided, however, that this does not apply to the provisions concerning the offer of evidence or a petition for preservation of evidence and the provisions concerning subpoena of a witness.