

# **PATENT ATTORNEYS LAW**

## **Chapter I. General**

### **Article 1. (Object)**

This Law has as its object the establishment of a system of patent attorneys and ensuring the suitability of their services so as to contribute to the promotion of the appropriate protection and utilization of industrial property rights and thereby contribute to the development of industry and the economy.

### **Article 2. (Definitions)**

1. In this Law, "international application" means an international application provided for in Article 2 of the Law Relating to International Filing etc., based on the Patent Cooperation Treaty (Law No. 30 of 1978).
2. In this Law, "international application for registration" means an international application for registration provided for in Article 68-2, paragraph 1 of the Trademark Law (Law No. 127 of 1959).
3. In this Law, "mask work" means mask work provided for in Article 2, paragraph 2 of the Law Relating to the Circuit Arrangement of Semiconductor Integrated Circuits (Law No. 43 of 1985).
4. In this Law, "specified unfair competition" means unfair competition provided for in Article 2, paragraph 1 of the Unfair Competition Law (Law No. 47 of 1993), that falls under any of the acts specified in items 1 to 9 and item 12 of the paragraph (for those acts specified in items 4 to 9 of the paragraph, limited to technical secrets (referring to production methods or other technical information useful for business activities, which should be kept confidential and not publicly known; the same shall apply to Article 4, paragraph 3)). (Law No. 81 of 2001, partially revised.)
5. In this Law, "specified infringement litigation" means litigation relating to infringement of rights concerning patents, utility models, designs, trademarks, or mask works, or infringement of business interests due to the specified unfair competition. (Law No. 25 of 2002, this paragraph added.)
6. In this Law, "Patent Profession Corporation" means a corporation established jointly by patent attorneys under the provisions of this Law for the purpose of systematically performing the services set forth in Article 4, paragraph 1. (Law No. 25 of 2002, the old paragraph 5 moved down)

### **Article 3. (Professional duties)**

A patent attorney shall maintain his/her dignity at all times, be well acquainted with the laws and practices concerning his/her services, and perform his/her services fairly and in good faith.

### **Article 4. (Services)**

1. A patent attorney shall engage in the business of representation for procedures before the Patent Office relating to patents, utility models, designs or trademarks, or international applications or international applications for registration, and for procedures before the Minister of Economy, Trade, and Industry relating to opposition or adjudications relating to patents, utility models, designs, or trademarks as well as provision of expert opinions and other business matters relating to these matters concerning these procedures, upon the request of another party.

2. A patent attorney may also engage in the business of performing the following business matters upon the request of another party, in addition to the services set forth in the preceding paragraph.

(1) Representation in procedures designated by Cabinet Order among the procedures before the Director of Customs relating to certification procedures provided for in Article 69-9, paragraph 1 of the Customs Law (Law No. 61 of 1954), and in filing an application under Article 69-10, paragraph 1 of the same law, and procedures before the Director of Customs or the Minister of Finance followed by a party filing such application. (Law No. 17 of 2006, partially revised.)

(2) Representation in procedures for alternative dispute resolution (meaning the procedure for alternative dispute resolution defined in Article 1 of the Law concerning Promotion of Alternative Dispute Resolution (Law No. 151 of 2004); the same shall apply hereunder in this item) in cases relating to patents, utility models, designs, trademarks, mask works, or specified unfair competitions, or relating to works (meaning the work defined in Article 2, paragraph 1, item 1 of the Copyright Law (Law No. 48 of 1970); the same shall apply hereunder), which are to be followed by a body designated by the Minister of Economy, Trade and Industry as one deemed able to perform the services in alternative dispute resolution for such cases in a fair and proper manner. (Law No. 75 of 2005, partially revised.)

3. A patent attorney may also engage, upon the request of another party, using the name "patent attorney," in

the business of representation or mediation in concluding sales contracts, non-exclusive licensing contracts, and other contracts for rights relating to patents, utility models, designs, trademarks, mask works or works, or for technical secrets; or consultations relating thereto, in addition to the services provided for in the two preceding paragraphs. However, this shall not apply to matters for which the performance of services is restricted by other laws. (Law No. 75 of 2005, partially revised.)

#### **Article 5.**

1. A patent attorney may appear in court, present a statement, and/or interrogate as a legal assistant together with the party involved or a counsel for matters concerning patents, utility models, designs, or trademarks, international applications, or international applications for registration, mask works, or specified unfair competitions.
2. The statement or interrogation by the patent attorney in the preceding paragraph shall be deemed to be conducted by the party involved or the counsel. However, this provision shall not apply where the party involved or the counsel immediately withdraws or remakes the statement of the preceding paragraph.

#### **Article 6.**

A patent attorney may act as a counsel for litigation provided for in Article 178, paragraph 1 of the Patent Law (Law No. 121 of 1959), Article 47, paragraph 1 of the Utility Model Law (Law No. 123 of 1959), Article 59, paragraph 1 of the Design Law (Law No. 125 of 1959), and Article 63, paragraph 1 of the Trademark Law.

#### **Article 6-2.**

1. A patent attorney may act as a counsel for cases in specified infringement litigations where an attorney-at-law or lawyer has been entrusted by the same client, provided that the patent attorney has passed a Specified Infringement Litigation Representation Examination provided for in Article 15-2, paragraph 1, and that the patent attorney is indicated additionally with the fact under Article 27-3, paragraph 1.
2. A patent attorney serving as a counsel under the provision of the preceding paragraph shall appear in court

together with the attorney-at-law.

3 Notwithstanding the provisions of the preceding paragraph, a patent attorney may appear in court alone when the court deems it appropriate. (Law No. 25 of 2002, this Article added.)

#### **Article 7. (Qualifications)**

A person specified in any of the following items shall be qualified to be a patent attorney:

- (1) A person passing the Patent Attorneys Examination;
- (2) A person qualified to become an attorney-at-law; and
- (3) A person engaged in the process of appeal/trial or examination or an appeal examiner or examiner in the Patent Office for a minimum total period of seven years.

#### **Article 8. (Disqualification)**

No person specified in any of the following items shall be qualified to be a patent attorney notwithstanding the provisions of the preceding Article.

- (1) A person who has been sentenced to imprisonment without work service or severer punishment;
- (2) In addition to persons as described in the preceding paragraph, a person who has committed any offense of Articles 78 to 81 hereof, any offense of Articles 196 to 198 or 200 of the Patent Law, any offense of Articles 56 to 58 and 60 of the Utility Model Law, any offense of Articles 69 to 71 and 73 of the Design Law, any offense of Articles 78 to 80 of the Trademark Law or Article 28 of the Supplemental Provisions to the Trademark law, and has been sentenced to a fine, unless five years have passed from the date of the completed execution of such sentence or the date when the person is no longer subject to the execution of such sentence
- (3) Besides those who fall under the two preceding paragraphs, a person who has committed an offense of Article 109, paragraph 2 (limited to the portions pertaining to Article 69-8, paragraph 1, item 9 and item 10 of the same law; the same shall apply hereunder in this item) or paragraph 3 (limited to the portions pertaining to Article 109, paragraph 2 of the same law), or Article 112, paragraph 1 (limited to the portions pertaining to Article 109, paragraph 2 of the same law) of the Customs Law,

any offense of Article 119 to Article 122 of the Copyright Law, an offense of Article 51, paragraph 1 or Article 52 of the Law concerning the Circuit Layout of Semiconductor Integrated Circuits, or any offense of Article 21, paragraph 1, item 1 to item 9 or item 11 (except for the portions pertaining to Article 18, paragraph 1 of the same law) or paragraph 2 of the Unfair Competition Law, and has been sentenced to a fine, unless three years have passed from the date of the completed execution of such sentence or the date when the person is no longer subject to the execution of such sentence. (Law No. 22 of 2005, partially revised; Law No. 75 of 2005, partially revised (into force on March 1, 2006); Law No. 17 of 2006, partially revised.)

- (4) A person who has been subjected to disciplinary action discharging him/her from his/her office as a public servant, unless three years have yet passed from the date of such disciplinary action;
- (5) A person who has been subjected to disciplinary action rescinding his/her registration under Article 23, paragraph 1, unless three years have passed yet from the date of such disciplinary action;
- (6) A person who has been subjected to disciplinary action prohibiting from practice under Article 32, unless three years have passed from the date of such disciplinary action;
- (7) A person who has been subjected to disciplinary action disbaring him/her as an attorney-at-law, striking off his/her registration as a certified public accountant, or prohibiting from practice as a tax accountant due to disciplinary action under the Attorneys-at-Law Law (Law No. 205 of 1949) or Special Measures Law Relating to Transactions of Law Offices of Foreign Lawyers (Law No. 66 of 1986), Certified Public Accountants Law (Law No. 103 of 1948), or Certified Public Tax Accountants Law (Law No. 237 of 1951), unless three years have passed from the date of such disciplinary action;
- (8) A person who has been subjected to disciplinary action suspending from practice under Article 32, and has had his/her registration struck off during the period of the relevant suspension from practice, unless the relevant period has passed.
- (9) A minor, an incompetent, or a person under curatorship; or
- (10) A person who has been declared bankrupt and has not yet been reinstated.

## **Chapter II. Patent Attorneys Examination**

### **Article 9. (Object and method of examination)**

The Patent Attorneys Examination has as its object to determine if persons desiring to become patent attorneys have the necessary academic knowledge and ability to apply the same and achieves this by a written method, using a short answer format (including multiple choice format, same below) and an essay format, and by an oral method, as provided for in the following Articles.

### **Article 10. (Content of examination)**

1. The examination by the short answer format shall be carried out for the following subjects:

- (1) Laws relating to patents, utility models, designs, and trademarks (hereinafter referred to as "industrial property rights" in this Article and in the following Article, item 2);
- (2) Treaties on industrial property rights; and
- (3) Laws required for performing the services of a patent attorney as stipulated by the Ministry of Economy, Trade, and Industry Ordinance in addition to those listed in the preceding two paragraphs.

2. The examination by the essay format shall be carried out for the following subjects for persons having passed the examination by the short answer format:

- (1) Laws relating to the industrial property rights and;
- (2) One subject selected in advance by the examination taker from subjects relating to technologies or laws stipulated by the Ministry of Economy, Trade, and Industry Ordinance.
- (3) The oral examination shall be carried out for laws relating to industrial property rights for persons having passed the written examination.

### **Article 11. (Exemption from examination)**

A person falling under any of the following items shall be exempted from the examinations of those items upon application:

- (1) A person having passed the written examination: The written examination of next Patent Attorneys Examination;

- (2) A person engaged in the process of appeal/trial or examination in the Patent Office for a minimum total period of five years: Examination performed on laws and treaties relating to the industrial property rights;
- (3) A person stipulated by the Ministry of Economy, Trade, and Industry Ordinance as a person having academic knowledge equal to or better than the person who has passed the written examination for subject selected by examination taker of the preceding Article, paragraph 2, item 2: Examination by essay format performed for that subject.

**Article 12. (Administration of examination)**

1. The Patent Attorneys Examination shall be performed by an Advisory Council etc. (an organization defined in Article 8 of the National Administrative Organization Law (Law No. 120 of 1948) stipulated by Cabinet Order (hereinafter referred to as an "Advisory Council").
2. The Patent Attorneys Examination shall be held at least once a year.

**Article 13. (Certificate of examination pass)**

A Person who has passed the Patent Attorneys Examination shall be provided a certificate as proof of passing the examination.

**Article 14. (Rescission of examination pass etc.)**

1. The Advisory Council may rescind the decision of passing or prohibit taking of the examination for a person who has taken or tries to take the Patent Attorneys Examination by illicit means.
2. The Advisory Council may prohibit a person who has been subjected to disciplinary action under the preceding paragraph from taking the Patent Attorneys Examination for a period of up to three years set according to the circumstances.

**Article 15. (Examination fee)**

1. A person desiring to take the Patent Attorneys Examination shall pay an examination fee of an amount stipulated by Cabinet Order in consideration of the actual expenses.

2. The examination fee paid under the preceding paragraph shall not be returned, even if the person does not take the Patent Attorneys Examination.

**Article 15-2. (Specified Infringement Litigation Representation Examination)**

1. The Specified Infringement Litigation Representation Examination shall be conducted as an essay-based written examination to determine if a patent attorney, who has completed training relating to the academic knowledge and practical capability required for serving as counsel in specified infringement litigation as stipulated by Ordinance of the Ministry of Economy, Trade and Industry, has the required academic knowledge and practical capability.
2. The provisions of Article 12 to Article 15 shall apply *mutatis mutandis* to the Specified Infringement Litigation Representation Examination.

(Law No. 25 of 2002, this Article added.)

**Article 16. (Particulars of examination)**

Required matters relating to the Patent Attorneys Examination and the Specified Infringement Litigation Representation Examination other than those stipulated in this Law shall be stipulated by Ordinance of the Ministry of Economy, Trade and Industry.

(Law No. 25 of 2002, partially revised.)

**Chapter III. Registration**

**Article 17. (Registration)**

1. A person having qualifications as a patent attorney shall have his/her name, date of birth, location of office, and other matters stipulated by the Ministry of Economy, Trade, and Industry Ordinance registered in the Patent Attorneys Register maintained at the Japan Patent Attorneys Association in order to become a patent attorney.
2. The Japan Patent Attorneys Association shall register the information in the Patent Attorneys Register.

### **Article 18. (Application for registration)**

1. A person intending to obtain registration of paragraph 1 of the preceding Article shall submit a registration application to the Japan Patent Attorneys Association.
2. The registration application of the preceding paragraph shall describe the name, date of birth, location of office, and other matters stipulated by the Ministry of Economy, Trade, and Industry Ordinance and documents proving the applicant has qualifications as a patent attorney shall be attached thereto.

### **Article 19. (Refusal of registration)**

1. When the Japan Patent Attorneys Association deems that a person applying for registration under the preceding Article, paragraph 1, is not qualified to serve as a patent attorney, or falls under one of the following items, it shall refuse the registration. In this case, when it is to refuse the registration on the grounds that the applicant falls under one of the following items, it must act on the basis of a decision of its Registration Screening Board, provided for in Article 70:
  - (1) When mental or physical incompetence would be liable to make allowance of performance of the services of a patent attorney unsuitable; or
  - (2) When the reputation of patent attorneys would be liable to be harmed.
2. When the Japan Patent Attorneys Association desires to refuse registration on the grounds of the applicant falling under an item of the preceding paragraph, it shall notify the applicant of that fact in advance and provide an opportunity for defense by him/herself or through his/her representative within an appropriate period.

### **Article 20. (Notification relating to registration)**

The Japan Patent Attorneys Associations shall notify the applicant in writing of the fact of registration or refusal of registration when receiving an application for registration under Article 18, paragraph 1.

### **Article 21. (Request for investigation in case registration is refused)**

1. A person refused registration pursuant to Article 19, paragraph 1 may make a request for investigation under the Administrative Complaint Investigation Law (Law No. 160 of 1962) to the Minister of Economy,

Trade, and Industry when dissatisfied with the relevant refusal of registration.

2. A person applying for registration under Article 18, paragraph 1, may make a request for investigation of the preceding paragraph to the Minister of Economy, Trade, and Industry deeming that his/her registration has been refused when no action has been taken with respect to that application even after the lapse of three months from the date of application.
3. When there are grounds to the request for investigation under the two preceding paragraphs, the Minister of Economy, Trade, and Industry shall issue an order to the Japan Patent Attorneys Association to the effect that appropriate action be taken.

**Article 22. (Notification of change of registered matters)**

A patent attorney shall notify the Japan Patent Attorneys Associations of any change in matters registered in the Patent Attorneys Register without delay.

**Article 23. (Rescission of registration)**

1. The Japan Patent Attorneys Associations shall rescind the registration of a person registered as a patent attorney when it is learned that the said person received registration through falsification or other illicit means.
2. The Japan Patent Attorneys Association shall notify the person subjected to that disciplinary action in writing of the fact of rescission of registration under the provisions of the preceding paragraph.
3. The provisions of Article 19, paragraph 1, second half, and Article 21, paragraphs 1 to 3, shall be applied *mutatis mutandis* to rescission of registration of paragraph 1.

**Article 24. (Striking off of registration)**

1. When a patent attorney falls under any of the following items, the Japan Patent Attorneys Association shall strike off his/her registration:
  - (1) When he or she has discontinued his/her practice;
  - (2) When he/she has died;
  - (3) When falling under any of the items of Article 8 (except item 5);

(4) When being subjected to disciplinary action rescinding registration under the preceding Article, paragraph 1; and

(5) When being subjected to disciplinary action expelling him/her under Article 51.

2. When a patent attorney falls under any of the provisions of the preceding paragraph, item 1 to item 3, that attorney or his/her legal representative or heir shall notify the Japan Patent Attorneys Association of that fact without delay.
3. The Japan Patent Attorneys Association shall notify the patent attorney in writing of the fact of striking off of his/her registration under paragraph 1, item 1, item 3, or item 5.

#### **Article 25.**

1. The Japan Patent Attorneys Association may strike off a registration when the mental or physical incompetence of a patent attorney would be liable to make allowance of performance of services of a patent attorney unsuitable.
2. The provisions of Article 19, paragraph 1, second half and the preceding Article, item 3, shall be applied *mutatis mutandis* to striking off of registration under the preceding paragraph.

#### **Article 26. (Application *mutatis mutandis* of provisions for refusal of registration)**

The provisions of Article 25, Article 21, paragraph 1, and Article 3, shall be applied *mutatis mutandis* to striking off of registration under the provisions of Article 24, paragraph 1, item 1, Item 3, or Item 5 or the preceding Article, paragraph 1.

#### **Article 27. (Public notice of registration and striking off of registration etc.)**

The Japan Patent Attorneys Association shall publicize the fact of registration of patent attorneys and of the striking off of registration without delay through the Official Gazette.

#### **Article 27-2. (Application for additional indication of specified infringement litigation representation service)**

1. A patent attorney shall file an application for additional indication with the Japan Patent Attorneys

Association when he/she desires to obtain additional indication of the fact of having passed the Specified Infringement Litigation Representation Examination provided for in Article 15-2, paragraph 1 to his/her registration (hereinafter referred to as "additional indication of specified infringement litigation representation service").

2. The application for additional indication under the preceding paragraph shall describe the name of the patent attorney and other matters stipulated by Ordinance of the Ministry of Economy, Trade and Industry and shall attach the certificate proving the successful passing of the Specified Infringement Litigation Representation Examination.

(Law No. 25 of 2002, this Article added.)

**Article 27-3. (Additional indication of specified infringement litigation representation service)**

1. The Japan Patent Attorneys Association shall, without delay, indicate the specified infringement litigation representation service additionally in the registration of the relevant patent attorney when receiving an application under the preceding Article.
2. The provisions of Article 20 shall apply *mutatis mutandis* to the case of additional indication undertaken under the preceding paragraph.

(Law No. 25 of 2002, this Article added.)

**Article 27-4. (Striking off of additional indication of specified infringement litigation representation service)**

1. The Japan Patent Attorneys Association shall strike off the additional indication of specified infringement litigation representation service when it is deemed that a person granted additional indication has the relevant additional indication granted through falsification or other illicit means.
2. The provisions of Article 23, paragraph 2 shall apply *mutatis mutandis* to the case of striking off of additional indication under the preceding paragraph.

(Law No. 25 of 2002, this Article added)

**Article 27-5. (Public notice of additional indication of specified infringement litigation representation**

**service)**

The provisions of Article 27 shall apply *mutatis mutandis* to additional indication of specified infringement litigation representation service and striking off of additional indication thereof. (Law No. 25 of 2002, this Article added.)

**Article 28. (Particulars of registration)**

Required matters relating to registration of a patent attorney other than those stipulated in this Law shall be stipulated by the Ministry of Economy, Trade, and Industry Ordinance.

**Chapter IV. The Duties of a Patent Attorney**

**Article 29. (Prohibition of acts harmful to the reputation of the profession)**

A patent attorney shall not engage in acts that would harm the reputation or dignity of patent attorneys.

**Article 30. (Duty to maintain secrecy)**

A patent attorney or a person who was previously a patent attorney shall not divulge nor illicitly utilize secrets that he/she came to know in the performance of his/her services without legitimate grounds.

**Article 31. (Cases that a patent attorney may not undertake)**

A patent attorney shall not perform services for the cases specified below; provided, however, that so far as the cases specified in item 3 are concerned, he/she may do so if the clients whose cases are already in his/her charge have consented thereto.

- (1) Cases in which the attorney supported the adverse party in the consultation requested, or accepted the adverse party as his/her client;
- (2) Cases in which the attorney was consulted by the adverse party and the extent and form of the consultation was such that it could be considered as being based on the attorney-client relationship of mutual trust;
- (3) Any other case the attorney is requested to undertake by the adverse party in a case he/she has

already undertaken;

- (4) Cases that the attorney handled as a public servant in the course of his/her duties;
- (5) Cases that the attorney handled as an arbitrator in arbitration procedures;
- (6) Cases in which the Patent Profession Corporation supported the adverse party in the consultation requested or accepted the adverse party as its client in the period in which the attorney was engaged in the business of the Patent Profession Corporation as a partner or associate of or patent of the said corporation;
- (7) Cases in which the Patent Profession Corporation was consulted by the adverse party and the extent and form of the consultation was such that it could be considered as being based on the attorney-client relationship of mutual trust in the period in which the attorney was engaged in the business of the Patent Profession Corporation as a partner or associate of the said corporation.

## **Chapter V. Responsibilities of a Patent Attorney**

### **Article 32. (Types of disciplinary action)**

When a patent attorney violates this Law or an order based on this Law, the Minister of Economy, Trade, and Industry may punish him/her as follows:

- (1) Admonition;
- (2) Suspension from practice for up to two years; and
- (3) Prohibition from practice.

### **Article 33. (Procedures for disciplinary action)**

1. Any person may report the fact of a patent attorney falling under the preceding Article to the Minister of Economy, Trade, and Industry and request him/her to take suitable steps when believing there is such a fact.
2. When there has been a report provided for in the preceding paragraph, the Minister of Economy, Trade, and Industry shall conduct a requisite investigation of the case.
3. The Minister of Economy, Trade, and Industry may conduct a requisite investigation ex officio when

believing there is evidence of a patent attorney falling under the preceding Article.

4. The Minister of Economy, Trade, and Industry shall conduct a hearing irrespective of the class of the procedures for submission of opinions provided for in Article 13, paragraph 1 of the Administrative Procedure Law (Law No. 88 of 1993) when intending to order punishment of admonition or suspension from practice for up to two years under the preceding Article.
5. The punishment of disciplinary action under the preceding Article shall be ordered after asking the opinions of the Advisory Council when deeming that there is a fact corresponding to the same Article by considerable evidence, after the hearing.

**Article 34. (Authority for investigation)**

The Minister of Economy, Trade, and Industry may order a patent attorney to make a necessary report relating to his/her services or order him/her to submit books or other materials in order to conduct the necessary investigation regarding a case under the preceding Article, paragraph 2 (including case of application *mutatis mutandis* in Article 69, paragraph 2) or paragraph 3.

**Article 35. (Restrictions on striking off of registration)**

The Japan Patent Attorneys Association may not strike off the registration of a patent attorney under Article 24, paragraph 1, item 1 or item 5 or Article 25, paragraph 1 until procedures for disciplinary action have been completed when a patent attorney is subjected to such procedures.

**Article 36. (Public notice of disciplinary action)**

The Minister of Economy, Trade, and Industry shall publicize the fact of ordering disciplinary action under Article 32 by the Official Gazette.

**Chapter VI. Patent Profession Corporation**

**Article 37. (Establishment)**

A patent attorney may establish a Patent Profession Corporation in accordance with the provisions of this

Chapter.

**Article 38. (Name)**

A Patent Profession Corporation shall use the words "Patent Profession Corporation" in its name.

**Article 39. (Qualifications for partnership)**

1. The partners of a Patent Profession Corporation shall be patent attorneys.
2. The persons described below shall not be eligible for partnership in a Patent Profession Corporation:
  - (1) Any person who is punished with suspension from practice under Article 32, and which is still effective;  
or
  - (2) Any person who was a partner of a Patent Profession Corporation ordered to dissolve or suspend the practice of law under Article 54 within 30 days prior to the date of such disciplinary action taken less than three years ago (or which is still effective, in the case of suspension).

**Article 40. (Scope of activity)**

A Patent Profession Corporation may, by making provisions in its Articles of Incorporation, practice all or part of the services of the same Article, paragraph 2 and paragraph 3 in addition to the business specified in Article 4, paragraph 1.

**Article 41.**

A Patent Profession Corporation may undertake for a client the services executable by a patent attorney under Article 5 to Article 6-2 to be assigned to a patent attorney in the capacity of a partner or associate of the relevant Patent Profession Corporation (for the service provided for in Article 6-2, limited to such patent attorney that specified infringement litigation representation service is additionally indicated for; hereinafter referred to as "partners, etc.") in addition to the services provided for in the preceding Article. In this case, the relevant Patent Profession Corporation shall require the client to appoint his/her legal assistant or counsel from among its partners, etc. of the relevant Patent Profession Corporation.

**Article 42. (Registration)**

1. A Patent Profession Corporation shall be registered pursuant to the relevant Cabinet Order.
2. Matters that shall be registered under the preceding paragraph cannot be set up against a third party until and unless they have been registered.

**Article 43. (Establishment procedure)**

1. To establish a Patent Profession Corporation, the patent attorneys who intend to be partners thereof shall jointly execute the Articles of Incorporation.
2. The Articles of Incorporation of a Patent Profession Corporation shall state, as a minimum requirement, the following:
  - (1) The purpose of the establishment of the Patent Profession Corporation;
  - (2) The name of the Patent Profession Corporation;
  - (3) The location of the office;
  - (4) The names and addresses of the partners
  - (5) Matters concerning capital contribution by the partners; and
  - (6) Matters concerning the practice of the patent profession.
3. The provisions of Article 30, paragraph 1, of the Corporation Law (Law No. 86 of 2005) shall apply *mutatis mutandis* to the Articles of Incorporation of a Patent Profession Corporation. (Law No. 87 of 2005, this paragraph added.)

**Article 44. (Time of formation)**

A Patent Profession Corporation shall be formed upon registration of its establishment at the location of its principal office.

**Article 45. (Notice of formation)**

A Patent Profession Corporation shall, when formed, within two weeks from the date of formation, give

notice thereof to the Minister of Economy, Trade and Industry, together with a certified copy of the register and a copy of its Articles of Incorporation. (Law No. 124 of 2004, partially revised.)

**Article 46. (Operation of activities)**

All members of a Patent Profession Corporation shall have the right and obligation to operate its activities.

**Article 47. (Change in the Articles of Incorporation)**

1. A Patent Profession Corporation may change its Articles of Incorporation by unanimous agreement of all partners, unless otherwise specified by the Articles of Incorporation. (Law No. 87 of 2005, this paragraph added.)
2. A Patent Profession Corporation shall notify the Minister of Economy, Trade and Industry of any changes to its Articles of Incorporation within two weeks from the date of the change. (Law No. 87 of 2005, the old paragraph 1 moved down.)

**Article 48. (Restriction on engagement in business for specific cases)**

1. A Patent Profession Corporation shall not be engaged in its business for cases falling under any of the following; provided, however, that this does not apply to cases provided for in item 3 when a client whose case is already in its charge has consented thereto.
  - (1) Cases in which the corporation supported the adverse party in the consultation requested, or accepted the adverse party as its client;
  - (2) Cases in which the corporation was consulted by the adverse party and the extent and form of the consultation was such that it could be considered as being based on the attorney-client relationship of mutual trust;
  - (3) Any other case the corporation is requested to undertake by the adverse party in such case that is already in its charge; and
  - (4) Cases in which one-half or more of the corporation's partners shall not be engaged as specified in the items of paragraph 3.
2. A partner etc. of a Patent Profession Corporation shall not engage in its business for him/herself or a third

party for cases stipulated in the preceding items.

3. A partner etc. of a Patent Profession Corporation shall not become involved in the business performed by that Patent Profession Corporation relating to cases falling under any of the following:
- (1) Cases in which the partner supported the adverse party in the consultation requested, or accepted the adverse party as his/her client before becoming a partner etc. of that Patent Profession Corporation;
  - (2) Cases in which the partner was consulted by the adverse party and the extent and form of the consultation was such that it could be considered as being based on the attorney-client relationship of mutual trust before becoming a partner etc. of that Patent Profession Corporation;
  - (3) Cases that the partner handled as a public servant in the course of his/her duties;
  - (4) Cases that the partner handled as an arbitrator in arbitration procedures;
  - (5) Cases in which the Patent Profession Corporation supported the adverse party in the consultation requested or accepted the adverse party as its client in the period in which the partner was engaged in the business of another Patent Profession Corporation as a partner etc. before the partner etc. became a partner etc. of that Patent Profession Corporation; and
  - (6) Cases in which the Patent Profession Corporation was consulted by the adverse party and the extent and form of the consultation was such that it could be considered as being based on the attorney-client relationship of mutual trust in the period in which the partner was engaged in the business of another Patent Profession Corporation as a partner etc. before the partner etc. became a partner etc. of that Patent Profession Corporation.

**Article 49. (Means of activity)**

A Patent Profession Corporation shall not assign its services to a person who is not qualified as a patent attorney.

**Article 50. (Application of provision for the obligations of a patent attorney)**

The provision of Article 29 shall be applied *mutatis mutandis* to Patent Profession Corporations.

**Article 51. (Statutory withdrawal)**

A partner of a Patent Profession Corporation shall withdraw from the corporation in any of the following circumstances:

- (1) Striking off of registration as a patent attorney;
- (2) Any of the reasons prescribed in the Articles of Incorporation applies;
- (3) All members consent to his/her withdrawal; and
- (4) The partner is disbarred.

#### **Article 52. (Dissolution)**

A Patent Profession Corporation shall be dissolved in any of the following circumstances:

- (1) Any of the reasons prescribed in the Articles of Incorporation applies;
- (2) All members consent to dissolution;
- (3) It merges with another Patent Profession Corporation;
- (4) Decision on commencement of bankruptcy proceedings. (Law No. 75 of 2004, partially revised.)
- (5) Adjudication ordering dissolution. (Law No. 87 of 2005, partially revised.)
- (6) It is ordered to dissolve under Article 54.

2. In addition to the cases of the preceding paragraph, a Patent Profession Corporation shall be dissolved if being reduced to a single partner and not increasing its partners to two or more within six months from that date.
3. If a Patent Profession Corporation is dissolved for any reason other than those specified in paragraph 1, items 3 and 6, it shall provide notification thereof to the Minister of Economy, Trade, and Industry, within two weeks from the date of dissolution.

#### **Article 53. (Merger)**

1. A Patent Profession Corporation may merge with another Patent Profession Corporation by unanimous agreement of all partners.
2. Merger between Patent Profession Corporations shall take effect upon registration by the Patent Profession Corporation surviving the merger or newly created upon merger, at the location of its principal office. (Law

No. 87 of 2005, partially revised.)

3. A Patent Profession Corporation shall, when merged, within two weeks from the date of the merger, give notice thereof to the Minister of Economy, Trade and Industry, together with a certified copy of the register (a certified copy of the register and the Articles of Incorporation in case of a Patent Profession Corporation newly created upon merger). (Law No. 124 of 2004, partially revised; Law No. 87 of 2005, partially revised.)
4. The Patent Profession Corporation surviving the merger or newly created upon merger shall succeed to the rights and obligations of the Patent Profession Corporation that ceases to exist through the relevant merger. (Law No. 87 of 2005, this paragraph added.)

**Article 53-2. (Creditor's objections, etc.)**

1. Any creditor of a Patent Profession Corporation effectuating a merger may lodge an objection against the merger to the relevant Patent Profession Corporation.
2. A Patent Profession Corporation effectuating a merger shall notify the following matters publicly in an official gazette, and also remind each of the known creditors thereof, respectively. However, the period of time set forth in item (3) may not be shorter than one month.
  - (1) The fact that a merger is to be effectuated
  - (2) The names and locations of the principal offices of the Patent Profession Corporation that ceases to exist upon merger and the Patent Profession Corporation that survives the merger or a Patent Profession Corporation newly established upon merger
  - (3) The fact that any creditor may lodge an objection within a certain period of time
3. Notwithstanding the provisions of the preceding paragraph, if a Patent Profession Corporation effectuating a merger gives a public notice under the said paragraph pursuant to the stipulations of the Articles of Incorporation in accordance with the provisions of Article 939, paragraph 1 of the Corporation Law as applicable *mutatis mutandis* in paragraph 6, in any manner set forth in item 2 or item 3 of the said paragraph other than by official gazette, respective reminders under the preceding paragraph are not required.
4. Unless a creditor has lodged an objection within the time period set forth in paragraph 2, item 3, the

relevant creditor is deemed to have agreed to the relevant merger.

5. If a creditor has lodged an objection within the time period set forth in paragraph 2, item 3, a Patent Profession Corporation effectuating a merger shall trust certain property with trust companies, etc. (trust companies and financial institutions engaged in trust business (referring to financial institutions granted approval under Article 1, paragraph 1 of the Law concerning Concurrent Engagement in Trust Business by Financial Institutions, etc. (Law No. 43 of 2006), with the object of satisfying or securing claims appropriately for the benefit of the relevant creditor, or allowing the relevant creditor to have their claim(s) satisfied. However, this shall not apply in cases where the relevant merger, when effectuated, is not likely to affect the relevant creditor negatively.
6. The provisions of Article 939, paragraph 1 (limited to the portions pertaining to item 2 and item 3) and paragraph 3, Article 940, paragraph 1 (limited to the portions pertaining to item 3) and paragraph 3, Article 941, Article 946, Article 947, Article 951, paragraph 2, Article 953, and Article 955 of the Corporation Law shall apply *mutatis mutandis* to cases where a Patent Profession Corporation gives a public notice under paragraph 2. In this case, the term "method of public notice" in Article 939, paragraph 1 and paragraph 3 of the same law shall be deemed to be replaced with "method of public notice of merger," and the term "trade name" in Article 946, paragraph 3 of the same law shall be deemed to be replaced with "name."

(Law No. 87 of 2005, this Article added.)

### **Article 53-3. (Action for invalidation of merger)**

The provisions of Article 828, paragraph 1 (limited to the portions pertaining to item 7 and item 8) and paragraph 2 (limited to the portions pertaining to item 7 and item 8), Article 834 (limited to the portions pertaining to item 7 and item 8), Article 835, paragraph 1, Article 836, paragraphs 2 and 3, Article 837 to Article 839, Article 843 (except for paragraph 1, items 3 and 4, and the proviso to paragraph 2), and Article 846 of the Corporation Law shall apply *mutatis mutandis* to an action for the invalidation of a merger of Patent Profession Corporations, and the provisions of Article 868, paragraph 5, Article 870 (limited to the portions pertaining to item 15), the main clause of Article 871, Article 872 (limited to the portions pertaining to item 4), the main clause of Article 873, Article 875 and Article 876 of the same law shall apply *mutatis mutandis* to actions set forth in Article 843, paragraph 4 of the same law as applicable *mutatis mutandis* under

this Article, respectively.

(Law No. 87 of 2005, this Article added.)

**Article 54. (Disciplinary action for illegal acts etc.)**

1. The Minister of Economy, Trade, and Industry may admonish a Patent Profession Corporation, order the suspension of all or part of its business for a period set up to two years, or order its dissolution when deeming that the Patent Profession Corporation has violated this Law or an order based on this Law or deems its operation as significantly improper.
2. The provisions of Article 33, Article 34, and Article 36 shall be applied *mutatis mutandis* to the actions of the preceding paragraph.
3. The provisions of paragraph 1 shall not be construed as hindering joint disciplinary action against a patent attorney serving as a partner etc. of the Patent Profession Corporation when there is a fact falling under Article 32 with regard to the partner etc. in the case of punishing the Patent Profession Corporation under that paragraph

**Article 55. (Application *mutatis mutandis* of the Civil Code and the Corporation Law, etc.)**

1. The provisions of Article 50 of the Civil Code (Law No. 89 of 1896), and Article 600, Article 614 to Article 619, Article 621 and Article 622 of the Corporation Law shall apply *mutatis mutandis* to Patent Profession Corporations, the provisions of Article 55 of the Civil Code, and Article 580, paragraph 1, Article 581, Article 582, Article 585, paragraph 1 and paragraph 4, Article 586, Article 593 to Article 596, Article 599, Article 601, Article 605, Article 606, Article 609, paragraph 1 and paragraph 2, Article 611 (except for the provision to paragraph 1), Article 612, and Article 613 of the Corporation Law to partners of Patent Profession Corporations, the provisions of Article 589, paragraph 1 of the same law to the liabilities of a person who has committed an act causing misidentification as a partner of a Patent Profession Corporation, the provisions of Article 859 to Article 862 of the same law to dismissal from partnership in a Patent Profession Corporation, and the right to execute business and action for extinction of the representation right, respectively. In this case, the term "trade name" in Article 613 of the same law shall be deemed to be replaced with "name," the term "Ordinance of the Ministry of Justice" in Article 615, paragraph 1, Article 617,

paragraph 1 and paragraph 2, and Article 618, paragraph 1, item 2 of the same law with "Ordinance of the Ministry of Economy, Trade and Industry," the term "electromagnetic recordings" in Article 617, paragraph 3 of the same law with "electromagnetic recordings (as provided for in Article 75 of the Patent Attorneys Law; the same shall apply in paragraph 1, item 2 of the next Article)." (Law No. 87 of 2005, entirely revised.)

2. The provisions of Article 82 and Article 83 of the Civil Code, Article 35, paragraph 2 and Article 40 of the Non-Litigation Proceedings Law (Law No. 14 of 1898), and Article 644 (except for item 3), Article 645 to Article 649, Article 650, paragraph 1 and paragraph 2, Article 651, paragraph 1 and paragraph 2, (except for the portions pertaining application *mutatis mutandis* of Article 594 of the same law), Article 652, Article 653, Article 655 to Article 659, Article 662 to Article 664, Article 666 to Article 673, Article 675, Article 863, Article 864, Article 868, paragraph 1, Article 869, Article 870 (limited to the portions pertaining to item 2 and item 3), Article 871, Article 872 (limited to the portions pertaining to item 4), Article 874 (limited to the portions pertaining to item 1 and item 4), Article 875, and Article 876 of the Corporation Law shall apply *mutatis mutandis* to the dissolution and liquidation of a Patent Profession Corporation. In this case, "Article 641, item 5" in Article 644, item 1 of the same law shall be deemed to be replaced with "Article 52, paragraph 1, item 3 of the Patent Attorneys Law," "Article 641, item 4 or item 7" in Article 647, paragraph 3 of the same law with "Article 52, paragraph 1, item 5 or item 6, or paragraph 2 of the Patent Attorneys Law," "Ordinance of the Ministry of Justice" in Article 658, paragraph 1 and Article 669 of the same law with "Ordinance of the Ministry of Economy, Trade and Industry," "Article 641, item 1 to item 3" in Article 668, paragraph 1, and Article 669 of the same law with "Article 52, paragraph 1, item 1 or item 2 of the Patent Attorneys Law," "Article 939, paragraph 1" in Article 670, paragraph 3 of the same law with "Article 939, paragraph 1, as applicable *mutatis mutandis* in Article 53-2, paragraph 6 of the Patent Attorneys Law," and "Article 580" in Article 673, paragraph 1 with "Article 580, paragraph 1, as applicable *mutatis mutandis* in Article 55, paragraph 1 of the Patent Attorneys Law." (Law No. 129 of 2001, partially revised; Law No. 87 of 2005, entirely revised.)

3. The provisions of Article 824, Article 826, Article 868, paragraph 1, Article 870 (limited to the portions pertaining to item 13), the main clause of Article 871, Article 872 (limited to the portions pertaining to item 4), the main clause of Article 873, Article 875, Article 876, Article 904, and Article 937, paragraph 1, (limited to the portions pertaining to item 3(b)) of the Corporation Law shall apply *mutatis mutandis* to an

order for dissolution of a Patent Profession Corporation, the provisions of Article 825, Article 868, paragraph 1, Article 870 (limited to the portions pertaining to item 2), Article 871, Article 872 (limited to the portions pertaining to item 1 and item 4), Article 873, Article 874 (limited to the portions pertaining to item 2 and item 3), Article 875, Article 876, Article 905 and Article 906 of the same law to the preservation of property of a Patent Profession Corporation in cases where an action is entered under Article 824, paragraph 1, of the same law as applicable *mutatis mutandis* in this paragraph, respectively. In this case, "the head office (in such cases as stipulated in item 1(g), when matters listed in each item of Article 930, paragraph 2 have been registered by the relevant resolution, the head office and the branch office relating to the relevant registration)" in Article 937, paragraph 1 shall be deemed to be replaced with "the principal office and the subsidiary office." (Law No. 87 of 2005, entirely revised.)

4. The provisions of Article 828, paragraph 1 (limited to the portions pertaining to item 1) and paragraph 2, (limited to the portions pertaining to item 1), Article 834 (limited to the portions pertaining to item 1), Article 835, paragraph 1, Article 837 to Article 839, and Article 846 of the Corporation Law shall apply *mutatis mutandis* to an action for invalidation of establishment of a Patent Profession Corporation. (Law No. 87 of 2005, entirely revised.)
5. The provisions of Article 833, paragraph 2, Article 834 (limited to the portions pertaining to item 21), Article 835, paragraph 1, Article 837, Article 838, Article 846, and Article 937, paragraph 1, (limited to the portions pertaining to item 1(i)) of the Corporation Law shall apply *mutatis mutandis* to an action for dissolution of a Patent Profession Corporation. In this case, "the head office (in such cases as stipulated in item 1(g), when matters listed in each item of Article 930, paragraph 2 have been registered by the relevant resolution, the head office and the branch office relating to the relevant registration)" in the same paragraph shall be deemed to be replaced with "the principal office and the subsidiary office." (Law No. 87 of 2005, entirely revised.)
6. The court having jurisdiction over dissolution and liquidation of Patent Profession Corporations may ask the Minister of Economy, Trade and Industry for an opinion, or entrust the said Minister with investigatory research. (Law No. 87 of 2004, partially revised; Law No. 87 of 2005, entirely revised.)
7. The Minister of Economy, Trade and Industry may give his/her opinion to the court stipulated in the preceding paragraph. (Law No. 129 of 2001, partially revised; Law No. 87 of 2005, entirely revised.)

8. In applying the provisions of Article 16 of the Bankruptcy Law (Law No. 75 of 2004), a Patent Profession Corporation shall be regarded as a general partnership. (Law No. 75 of 2004, partially revised; Law No. 87 of 2005, the old paragraph 9 moved up.)

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

### **Article 56. (Establishment, object, and legal personality)**

1. Patent attorneys shall establish a single Japan Patent Attorneys Association covering the entire country (hereinafter in this chapter referred to as the "Patent Attorneys Association," based on the stipulations of this Law.
2. The Patent Attorneys Association shall have as its object, in view of the mission and duties of patent attorneys, to manage matters relating to the guidance, liaison, and supervision of members in order to maintain the dignity of patent attorneys and improve and advance the services of patent attorneys and to manage matters relating to the registration of patent attorneys.
3. The Patent Attorneys Association shall be a judicial person.

### **Article 57. (Articles of Association)**

The Patent Attorneys Association shall formulate Articles of Association and stipulate the following matters in them:

- (1) Name and location of its office;
- (2) Rules pertaining to admission of membership in and withdrawal from the association;
- (3) Rules pertaining to the type of members and their rights and duties;
- (4) Rules pertaining to the officers;
- (5) Rules pertaining to meetings;
- (6) Rules pertaining to branches;
- (7) Rules pertaining to the registration of patent attorneys
- (8) Rules pertaining to the Registration Screening Board;
- (9) Rules pertaining to the maintenance of dignity of its members;

- (10) Rules pertaining to the training of its members;
  - (11) Rules pertaining to the settlement of disputes in connection with its members' profession;
  - (12) Rules pertaining to the provision of information relating to the Patent Attorneys Association and its members;
  - (13) Rules pertaining to membership fees;
  - (14) Rules pertaining to accounts and assets; and
  - (15) Rules pertaining to the secretariat.
2. Establishment or change of the Articles of Association (only changes relating to important matters stipulated by Cabinet Order) shall not come into effect unless approved by the Minister of Economy, Trade, and Industry.

**Article 58. (Branches)**

The Patent Attorneys Association may establish branches when it is necessary for achieving its aims.

**Article 59. (Registration)**

1. The Patent Attorneys Association shall be registered as stipulated by Cabinet Order.
2. Matters that shall be registered under the preceding paragraph cannot be set up against a third party until and unless they have been registered.

**Article 60. (Admission and withdrawal)**

A patent attorney and Patent Profession Corporation shall automatically become a member of the Patent Attorneys Association. When a patent attorney has his/her registration struck off or when the Patent Profession Corporation is dissolved, he/she or it shall automatically be withdrawn from the Patent Attorneys Association.

**Article 61. (Action expelling a member from the Patent Attorneys Association)**

The Patent Attorneys Association may expel a member liable to harm the good order or reputation of the Patent Attorneys Association upon receiving the approval of the Minister of Economy, Trade, and Industry.

**Article 62. (Duty to observe the Articles of Association)**

Members shall observe the Articles of Association of the Patent Attorneys Association.

**Article 63. (Officers)**

1. The Patent Attorneys Association shall appoint a president, vice-president, and other officers stipulated by the Articles of Association.
2. The president shall represent the Patent Attorneys Association and administer its activities.
3. The vice-president shall assist the president as stipulated by the president and shall represent the president in his/her duties in the event of an accident and perform the duties of president when that post is vacant.

**Article 64. (General meeting)**

1. The Patent Attorneys Association shall hold an ordinary general meeting every year.
2. The Patent Attorneys Association may convene an extraordinary general meeting when it deems it necessary.

**Article 65. (Matters requiring a resolution of a general meeting)**

Any amendment of the Articles of Association, budgets, and settlement of accounts must be approved by a resolution of a general meeting.

**Article 66. (Report on resolutions etc. of a general meeting)**

The Patent Attorneys Association shall report to the Commissioner of the Patent Office on resolutions adopted by its general meeting, on its officers taking office and on their retirement.

**Article 67. (Mediation of disputes)**

The Patent Attorneys Association may, upon request of a member, the party in question, or other interested person, mediate any dispute regarding the duties of its members.

**Article 68. (Proposals and replies)**

The Patent Attorneys Association may present its proposals, or make its reply to a request for consultation, to the Minister of Economy, Trade, and Industry or the Commissioner of the Patent Office regarding its professional affairs or system of patent attorneys.

**Article 69. (Report of fact falling under disciplinary action)**

1. The Patent Attorneys Association shall report to the Minister of Economy, Trade, and Industry any fact of a member deemed to fall under Article 32 or Article 54
2. The provision of Article 33, paragraph 2 shall apply *mutatis mutandis* to the case where there is a report of the preceding paragraph.

**Article 70. (Registration Screening Board)**

1. A Registration Screening Board shall be established in the Patent Attorneys Association.
2. The Registration Screening Board shall, upon the request of the Patent Attorneys Association, conduct an investigation required for rejection of registration under Article 19, paragraph 1, rescission of registration under Article 23, paragraph 1, or striking off of registration under Article 25, paragraph 1.
3. The Registration Screening Board shall consist of the president and four board members.
4. The president of the Patent Attorneys Association shall become the president of the Board.
5. Board members shall be appointed by the president from amongst patent attorneys, officers of the Ministry of Economy, Trade, and Industry engaged in administrative work concerning patent attorneys, and persons of learning and experience approved by the Minister of Economy, Trade, and Industry.
6. The term of office of board members shall be two years; provided, however, that the term of office of members appointed to fill vacancies shall be the remaining period of office of the members whom they are replacing.
7. Required matters concerning the organization and operation of the Registration Screening Board other than those stipulated in the preceding paragraphs shall be stipulated by Cabinet Order.

**Article 71. (Report and inspection)**

1. The Minister of Economy, Trade, and Industry may seek submission of a report or materials from the Patent Attorneys Association or have its officers enter the office of the Patent Attorneys Association to inspect the books and other materials when deemed necessary to ensure the suitable operation of the Patent Attorneys Association.
2. The officers carrying out the on-site inspection under the preceding paragraph shall carry certification indicating their identity and shall present the same upon the request of an interested party.
3. The authority for on-site inspection under paragraph 1 shall not be construed as being recognized for criminal investigations.

**Article 72. (Rescission of resolution of general meeting and dismissal of officers)**

The Minister of Economy, Trade, and Industry may order the rescission of a resolution of a general meeting of the Patent Attorneys Association or dismissal of its officers when the resolution of the general meeting or an act of its officers violates the law or Articles of Association of the Patent Attorneys Association or otherwise is detrimental to the public interest.

**Article 73. (Application *mutatis mutandis* etc. of the Civil Code)**

The provisions of Articles 44, 50, and 55 of the Civil Code shall apply *mutatis mutandis* to the Patent Attorneys Association.

**Article 74. (Reliance on the Ministry of Economy, Trade, and Industry)**

Required matters concerning the Patent Attorneys Association other than those stipulated in this Law shall be stipulated by the Ministry of Economy, Trade, and Industry Ordinance.

**Chapter VIII. Miscellaneous**

**Article 75. (Restrictions on the engagement of business by persons other than patent attorneys or Patent Profession Corporations)**

A person who is not a patent attorney, nor a Patent Profession Corporation, may not engage in the business of obtaining remuneration upon the requests of another party for the representation for procedures before the Patent Office relating to patents, utility models, designs or trademarks, or international applications or international applications for registration, and for procedures before the Minister of Economy, Trade, and Industry relating to opposition or adjudications relating to a patent, utility model, design, or trademark (except representation for procedures for payment of patent annuities, representation for procedures for application for registration in Patent Register etc., and other services stipulated by Cabinet Order), or provision of expert opinions relating to matters concerning these procedures, or the preparation of documents or electromagnetic recordings stipulated by Cabinet Order (recordings prepared by electronic means, magnetic means, or other means unable to be discerned by human senses used for data processing of computers).

**Article 76. (Restrictions on use of name)**

1. A person who is not a patent attorney nor a Patent Profession Corporation shall not use the name "patent attorney" or "patent office" or a name similar to the same.
2. A person who is not a Patent Profession Corporation shall not use the name "Patent Profession Corporation" or a name similar to the same.
3. An organization which is not the Japan Patent Attorneys Association shall not use the name "Japan Patent Attorneys Association" or a name similar to the same.

**Article 77. (Duty to maintain secrecy of employees etc. of patent attorneys)**

A patent attorney, an associate or other employee of a Patent Profession Corporation or a person who was previously the same shall not divulge nor illicitly utilize secrets that he/she came to know in assisting in the services under Article 4 to Article 6, without legitimate grounds.

**Chapter IX. Penalties**

**Article 78.**

When a person who does not possess the required qualifications to be a patent attorney has had his/her name registered in the roll of patent attorneys by a false declaration to the Patent Attorneys Associations, such person shall be punished by imprisonment with work service of not more than one year or by a fine of not more than one million yen.

**Article 79.**

Any person who violates the provisions of Article 75 shall be punished by imprisonment with work service of not more than one year or by a fine of not more than one million yen.

**Article 80.**

1. Any person who violates the provisions of Article 30 or Article 77 shall be punished by imprisonment with work service of not more than six months or by a fine of not more than five hundred thousand yen.
2. The offense of the preceding paragraph may not be prosecuted unless a complaint is filed.

**Article 81.**

A person who falls under any of the following items shall be punished through a fine of not more than one million yen:

- (1) A person who has failed to submit a report or materials under Article 71, paragraph 1 or submits a false report or materials or refuses, hinders, or avoids an on-site inspection under that paragraph; and
- (2) A person who has violated Article 76.

**Article 81-2.**

A person who, in violation of the provisions of Article 955, paragraph 1 of the Corporation Law as applicable *mutatis mutandis* in Article 53-2, paragraph 6, fails to describe or record matters set forth in Ordinance of the Ministry of Justice with regard to electronic public notice research set forth in the paragraph on recording books set forth in the paragraph or makes a false description or record, or fails to keep the relevant books, shall be punished with a fine not exceeding 300,000 yen. (Law No. 87 of 2004, this Article added; Law No. 87 of 2005, partially revised.)

**Article 82.**

When the representative of a juristic person, or an agent, employee, or other worker for a juristic person or a natural person acts against Article 79, Article 81, or the preceding Article, in connection with the business of the juristic person or the natural person, the said juristic or natural person shall be punished with a fine as specified respectively in these Articles, as well as the said perpetrator. (Law No. 87 of 2004, partially revised.)

**Article 83.**

A person who has failed to submit a report under Article 34 (including cases where it is applied *mutatis mutandis* in Article 54, paragraph 2) or submits a false report or fails to submit books or other material shall be punished by a non-penal fine of not more than three hundred thousand yen.

**Article 84.**

A person who falls under any of the following items shall be punished with a penalty not exceeding one million yen.

(1) A person who, in violation of the provisions of Article 946, paragraph 3 of the Corporation Law as applicable *mutatis mutandis* in Article 53-2, paragraph 6, fails to report or makes a false report.

(2) A person who, without justifiable reason, refuses to comply with any of the requests listed in each item of Article 951, paragraph 2 or each item of Article 955, paragraph 2 of the Corporation Law as applicable *mutatis mutandis* to Article 53-2, paragraph 6.

(Law No. 87 of 2005, entirely revised.)

**Article 85.**

In a case that falls under any of the following items, a partner or a liquidator of a Patent Profession Corporation, or a director of the Japan Patent Attorneys Association, shall be punished with a penalty not exceeding three hundred thousand yen.

(1) When neglecting to register in violation of the provisions of any Cabinet Order based on this Law.

- (2) When effectuating a merger in violation of the provisions of Article 53-2, paragraph 2 or paragraph 5.
- (3) When, in violation of the provisions of Article 941 of the Corporation Law as applicable *mutatis mutandis* in Article 53-2, paragraph 6, failing to request for research pursuant to the same Article.
- (4) When failing to describe or record matters to be described or recorded, as stated, in the Articles of Incorporation, or in account books under or Article 615, paragraph 1 of the Corporation Law as applicable *mutatis mutandis* in Article 55, paragraph 1, or a balance sheet under Article 617, paragraph 1 or paragraph 2 of the same law, as applicable *mutatis mutandis* in Article 55, paragraph 1, or making a false description or record.
- (5) When neglecting to enter an action for commencement of bankruptcy proceedings in violation of the provisions of Article 656, paragraph 1 of the Corporation Law as applicable *mutatis mutandis* in Article 55, paragraph 2.
- (6) When effectuating a distribution of property in violation of the provisions of Article 664 of the Corporation Law as applicable *mutatis mutandis* in Article 55, paragraph 2.
- (7) When disposing of property in violation of the provisions of Article 670, paragraph 2 or paragraph 5 of the Corporation Law as applicable *mutatis mutandis* in Article 55, paragraph 2.

(Law No. 87 of 2004, this Article added; Law No. 87 of 2005, entirely revised.)

## **Supplements**

### **Article 1. (Effective date)**

This Law shall come into force on January 6, 2001; provided, however, that the provisions of the following items shall come into force from the dates stipulated in those items:

- (1) Provisions of Chapter II: January 1, 2002
- (2) The provisions of Article 4, paragraph 3: the date stipulated by Cabinet Order within the limits not exceeding two years from the date of promulgation. (Into force on February 1, 2002, in accordance with Cabinet Order No. 14 of 2002.)

### **Article 2. (Transitional measure relating to qualification of patent attorneys)**

Persons listed below shall be deemed as having the qualifications as patent attorneys provided for in Article 7 of the Patent Attorneys Law as amended (hereinafter referred to as the "New Law"):

- (1) A person having the qualification as a patent attorney at the time of enforcement of this Law.
- (2) A person passing the Patent Attorneys Examination of Article 2, paragraph 2 of the Patent Attorneys Law before amendment (hereinafter referred to as the "Old Law") deemed to still be effective under Article 4, paragraph 1 of the Supplementary Provisions.

**Article 3. (Transitional measure relating to disqualification)**

1. The provision of Article 8, item 2 of the New Law (excluding the part relating to the offense of Article 28 of the Supplementary Provisions of the Trademark Law) shall apply to persons sentenced as provided in that item after the date of enforcement of this Law (hereinafter referred to as the "enforcement date", while the grounds for disqualification relating to sentences of persons sentenced as provided for in Article 5, item 2 of the Old Law before the enforcement date shall apply as before.
2. The provisions of Article 8, item 2 of the New Law (limited to the part relating to the offense of Article 28 of the Supplementary Provisions of the Trademark Law), and item 3, shall apply to persons sentenced as provided for under these provisions due to acts committed after the enforcement date.
3. The provisions of Article 8, items 4 and 7 of the New Law shall apply to persons subjected to disciplinary actions as provided for in these provisions after the enforcement date, while the grounds for disqualification relating to disciplinary actions of persons subjected to disciplinary actions as provided for in Article 5, item 3 of the Old Law before the enforcement date shall apply as before.

**Article 4. (Transitional measures relating to Patent Attorneys Examination)**

1. The provision of Article 2, paragraph 2 of the Old Law shall remain effective until December 31, 2001.
2. The requisite transitional measures relating to exemption from examination under Article 11 of the New Law and suspension of undertaking of examination under Article 14, paragraph 2 of the New Law in the case where a person having taken the Patent Attorneys Examination of Article 2, paragraph 2 of the Old Law (including cases deemed as remaining effective under preceding paragraph) before the date of enforcement of the provisions of Chapter II, takes the Patent Attorneys Examination provided for in that

chapter after the date of enforcement of the provisions of that chapter, shall be stipulated by Cabinet Order.

**Article 5. (Transitional measures relating to registration)**

1. Registration in the Patent Attorneys Register under Article 6, paragraph 2 of the Old Law shall be deemed as registration in the Patent Attorneys Register under Article 17, paragraph 1 of the New Law.
2. An application for registration made before the Patent Attorneys Association as provided for in the Old Law (hereinafter referred to as the "Old Patent Attorneys Association") under Article 6, paragraph 3 of the Old Law, before the enforcement date, shall be deemed as an application for registration made before the Japan Patent Attorneys Association under Article 18, paragraph 1 of the New Law.
3. Refusal of registration or striking off of registration by the Old Patent Attorneys Association and notification of the same under the Old Law before the enforcement date shall be deemed as having been carried out by the Japan Patent Attorneys Association under the New Law.

**Article 6. (Training for improvement of quality)**

The following persons (except attorneys-at-law and other persons stipulated by the Ministry of Economy, Trade, and Industry Ordinance) shall undergo training for improvement of the quality of patent attorneys offered by the Japan Patent Attorneys Association as stipulated by the Ministry of Economy, Trade, and Industry Ordinance:

- (1) A person who was a patent attorney at the time of enforcement of this Law;
- (2) A person listed in any item of Article 2 of the Supplementary Provisions who was registered under Article 17, paragraph 1 of the New Law.

**Article 7. (Transitional measures relating to duty to maintain secrecy)**

After the enforcement date, the provisions of Article 30 of the New Law (including penalties relating to the same) shall be applied by deeming a person who was a patent attorney as provided for in Article 22 of the Old Law as having been a patent attorney as provided for under Article 30 of the New Law and deeming secrets that came to be known in the performance of services relating to a patent attorney as provided for in Article 22 of the Old Law as secrets that came to be known in the performance of services relating to a patent attorney as provided for under Article 30 of the New Law.

**Article 8. (Transitional measures relating to disciplinary actions)**

1. When there is a fact considered as grounds for a disciplinary action in the Old Law before the enforcement date for a person who was a patent attorney as of the time of enforcement of this Law and a fact corresponding to that considered grounds for a disciplinary action in the New Law as well, the provisions of the New Law shall be applied by deeming that there was a fact considered as grounds for the disciplinary action under the New Law.
2. The provision of Article 21 of the Old Law shall remain effective for persons subjected to the disciplinary action of a non-penal fine under Article 17 of the Old Law before the enforcement date.
3. A person subjected to the disciplinary action of suspension from practice under Article 17 of the Old Law and still in the period of suspension from practice as of enforcement of this Law shall be deemed a person subjected to the disciplinary action of suspension from practice under Article 32 of the New Law at the date of that action. In this case, the Minister of Economy, Trade, and Industry shall publicize this fact in the Official Gazette without delay after enforcement of this Law.
4. A report of disciplinary action under Article 19 of the Old Law for which procedures for a disciplinary action have still not been completed as of the time of enforcement of this Law shall be deemed a report under Article 69, paragraph 1 of the New Law on the enforcement date

**Article 9. (Transitional measures relating to Patent Attorneys Association)**

1. The Old Patent Attorneys Association existing as of the enforcement date shall become the Japan Patent Attorneys Association under Article 56, paragraph 1 of the New Law on the enforcement date and be deemed continuous in identity.
2. The Old Patent Attorneys Association shall amend rules of the association required by enforcement of this Law in accordance with Article 57 of the New Law and be approved by the Minister of Economy, Trade, and Industry. In this case, the approval shall be effective from the enforcement date.
3. The Japan Patent Attorneys Association of paragraph 1 shall speedily register its establishment under Article 59 of the New Law.

**Article 10. (Transitional measures relating to restrictions on use of name)**

The provision of Article 76, paragraph 2 of the New Law shall not apply for a period of six months after enforcement of this Law to entities using the name "Patent Profession Corporation" or a similar name as of the time of enforcement of the Law.

**Article 11. (Transitional measures relating to penalties)**

The penalties for acts committed before enforcement of this Law shall apply as before.

**Article 12. (Reliance on Cabinet Order)**

Required transitional measures concerning the Law other than those stipulated in Article 2 to the preceding of the Supplementary Provisions shall be stipulated by Cabinet Order.

**Article 13. (Reconsideration)**

The Government shall, five years from enforcement of the Law, reconsider the provisions of the Law, if necessary, after taking into account the state of enforcement of the Law, and shall take the necessary actions based on the results of such reconsideration.

**Article 14. (Partial amendment to the Certified Public Accountants Law)**

A part of the Certified Public Accountants Law shall be amended as follows:

The "Patent Attorneys Law (Law No. 100 of 1921)" in Article 4, paragraph 7 shall be changed to the "Patent Attorneys Law (Law No. 49 of 2000)."

**Article 15. (Transitional measures relating to partial amendment to the Certified Public Accountants Law)**

A person subjected to the disciplinary action of prohibition from practice under Article 17 of the Old Law and the situation of not yet having passed two years from the date of the disciplinary action shall not have qualifications as a certified public tax accountant irrespective of Article 4 of the Certified Public Accountants Law as amended under the preceding Article.

**Article 16. (Partial amendment to the Assets Reassessment Law)**

A part of the Assets Reassessment Law (Law No. 110 of 1950) shall be amended as follows:

The "Patent Attorneys Association" in Article 39, paragraph 2, item 1, shall be changed to the "Japan Patent Attorneys Association."

**Article 17. (Partial amendment to the Local Tax Law)**

A part of the Local Tax Law (Law No. 226 of 1950) shall be amended as follows:

The "Patent Attorneys Association" in Article 72-5, paragraph 1, item 2, shall be changed to the "Japan Patent Attorneys Association."

**Article 18. (Partial amendment to the Certified Public Tax Accountants Law)**

A part of the Certified Public Tax Accountants Law shall be amended as follows:

The "Patent Attorneys Law (Law No. 100 of 1921)" in Article 4, paragraph 9, shall be changed to the "Patent Attorneys Law (Law No. 49 of 2000)."

**Article 19. (Transitional measures relating to partial amendment to the Certified Public Tax Accountants Law)**

A person subjected to the disciplinary action of prohibition from practice under Article 17 of the Old Law and the situation of not yet having passed two years from the date of the disciplinary action shall not have qualifications as a certified public tax accountant irrespective of Article 4 of the Certified Public Tax Accountants Law as amended under the preceding Article.

**Article 20. (Partial amendment to the Income Tax Law)**

A part of the Income Tax Law (Law No. 33 of 1965) shall be amended as follows:

The following shall be added after the item of the table "Japan Federation of Bar Associations" of Appended Table 1-1:

Japan Patent Attorneys Association	Patent Attorneys Law (Law No. 49 of 2000)
------------------------------------	---

The item of the table "Patent Attorneys Association" of Appended Table 1-1 shall be deleted.

**(Article 21. (Partial amendment to the Corporation Tax Law))**

A part of the Corporation Tax Law (Law No. 34 of 1965) shall be amended as follows:

The following shall be added after the item of the table "Japan Federation of Bar Associations" of Appended Table 2-1:

Japan Patent Attorneys Association	Patent Attorneys Law (Law No. 49 of 2000)
------------------------------------	---

The item of the table "Patent Attorneys Association" of Appended Table 2-1 shall be deleted.

**Article 22. (Partial amendment to the Registration and License Tax Law)**

A part of the Registration and License Tax Law (Law No. 35 of 1967) shall be amended as follows:

The "Article 6, paragraph 2 (Registration of Patent Attorneys) of the Patent Attorneys Law (Law No. 100 of 1921)" in Appended Table 1-23 shall be changed to "Article 17, paragraph 1, (Registration) of the Patent Attorneys Law (Law No. 49 of 2000)."

**Article 23. (Partial amendment to the Certified Consulting Engineers Law)**

A part of the Certified Consulting Engineers Law (Law No. 25 of 1983) shall be amended as follows:

The "Article 17 of the Patent Attorneys Law (Law No. 100 of 1921)" in Article 3, item 6, shall be changed to "Article 32, item 3 of the Patent Attorneys Law (Law No. 49 of 2000)."

**Article 24. (Transitional measures relating to partial amendment to the Certified Consulting Engineers Law)**

A person subjected to the disciplinary action of prohibition from practice under Article 17 of the Old Law and the situation of not yet having passed two years from the date of the action shall not have qualifications as a certified consulting engineer irrespective of Article 3 of the Certified Consulting Engineers Law as amended under the preceding Article.

**Article 25. (Partial amendment to the Consumption Tax Law)**

A part of the Consumption Tax Law (Law No. 108 of 1988) shall be amended as follows:

The following shall be added after the item of the table "Japan Federation of Bar Associations" of Appended Table 3-1:

Japan Patent Attorneys Association	Patent Attorneys Law (Law No. 49 of 2000)
------------------------------------	---

The item of the table "Patent Attorneys Association" of Appended Table 3-1 shall be deleted.

**Article 26. (Partial amendment to the Enforcement Law of the Law on the Reformation of Ministries and Government Offices)**

A part of the Enforcement Law of the Law on the Reformation of Ministries and Government Offices (Law No. 160 of 1999) shall be amended as follows:

The "Article 3, item 2 of the Patent Attorneys Law" in Article 1337 shall be changed to the "Article 7, item 3 of the Patent Attorneys Law (Law No. 49 of 2000)," and paragraph 2 of the same Article shall be deleted.

**Supplements (Law No. 81 of June 29, 2001) Extract**

**Article 1. (Effective date)**

This Law shall come into force on the date stipulated by Cabinet Order within the limits not exceeding six months reckoned from the date of promulgation. (Into force on December 25, 2001, in accordance with Cabinet Order No. 387 of 2001.)

**Supplements (Law No. 129 of November 28, 2001) Extract**

**Article 1. (Effective date)**

This Law shall come into force on April 1, 2002.

**Supplements (Law No. 25 of April 17, 2002)**

This Law shall come into force on the date stipulated by Cabinet Order within the limits not exceeding one year from the date of promulgation. (Into force on January 1, 2003, in accordance with Cabinet Order No. 377 of 2002.)

**Supplements (Law No. 76 of June 2, 2004) Extract**

**Article 1. (Effective date)**

This Law shall come into force on the date of enforcement of the Bankruptcy Law. (Law No. 75 of 2004; referred to as the "New Bankruptcy Law" in paragraph 8 of the next Article, and Article 3, paragraph 8, Article 5, paragraph 8, paragraph 16 and paragraph 21, Article 8, paragraph 3, and Article 13 of the Supplements).

**Article 14. (Reliance on Cabinet Orders)**

In addition to those stipulated in Article 2 through the preceding Article of the Supplements, transitional measures required in relation to the enforcement of this Law shall be stipulated by Cabinet Order.

**Supplements (Law No. 87 of June 9, 2004) Extract**

**Article 1. (Effective date)**

This Law shall come into force on the date stipulated by Cabinet Order within the limits not exceeding one year from the date of promulgation.

**Article 3. (Transitional measures concerning application of punishment)**

The application of punishment for acts committed before enforcement of this Law, and acts committed after enforcement of this Law, in such a case that is stipulated to follow precedents in the preceding Article, shall still follow the said precedents.

**Supplements (Law No. 120 of June 18, 2004) Extract**

**Article 1. (Effective date)**

This Law shall come into effect on April 1, 2005.

## **Supplements (Law No. 124 of June 18, 2004) Extract**

### **Article 1. (Effective date)**

This Law shall come into effect on the date of enforcement of the New Real Estate Registration Law.

### **Article 2. (Transitional measures)**

If the date of enforcement of this Law comes later than the date of enforcement of the Law concerning Protection of Personal Information Retained by an Administrative Body, "Article 114-3" among the provisions revising Article 114-3, and Articles 117 to 119 of the Commercial Registration Law in Article 52 shall be read as "Article 114-4."

## **Supplements (Law No. 22 of March 31, 2005) Extract**

### **Article 1. (Effective date)**

1. This Law shall come into effect on April 1, 2005. However, the provisions enumerated in each item below shall come into force on the date set forth in the relevant item:
2. The provisions of Article 2, the revision provisions adding item 1 to Article 30, paragraph 1 of the Customs Law in Article 3, the provisions revising Article 41 of the same law, the provisions revising Article 41-2 of the same law (limited to the portions altering "'the relevant' in" to "and 'the relevant' in paragraph 3"), the provisions revising the heading of Article 45 and paragraph 1 of the same Article of the same law, and the revision provisions adding paragraph 1 to the same Article, the provisions revising Article 63, paragraph 1 of the same law, the provisions revising Article 65, paragraph 1 of the same law and the revision provisions adding paragraph 1 to the same Article, the revision provisions adding Article 10 after Article 67-2 of the same law, the provisions revising Article 68, paragraph 1 of the same law, the provisions revising Article 75 of the same law, the provisions revising Article 76, paragraph 1 of the same law, the provisions revising Article 95, paragraph 3 of the same law (limited to the portions altering "Article 7-9, paragraph 1 (keeping of books, etc.) and paragraph 1 of the preceding Article" to "Article 7-9, paragraph 1 and Article 67-6, paragraph 1 (keeping of books, etc.), and paragraph 1 of the preceding Article"), the provisions revising Article 105, paragraph 1, item 3 of the same law, and the provisions revising Article 115, item 5 of the same

law (limited to the portions adding," Article 67-6, paragraph 1" after "Article 7-9, paragraph 1"), and the provisions of Article 4, and the provisions of Article 8 of the Supplements (except for the provisions revising Article 6, paragraph 5 of the Law concerning Collection of Excise Tax on Imports, and the provisions revising Article 19, paragraph 1 of the same law, and the revision provisions adding paragraph 1 to the same Article), Article 9 of the Supplements, Article 12 of the Supplements and Article 14 of the Supplements: March 1, 2006.

#### **Article 17. (Review)**

The Government shall, after a lapse of five years from the enforcement of this Law, if deemed necessary in consideration of the state of enforcement of the New Customs Law, review the provisions of the New Customs Law and take any necessary measures based on the results of the said review.

### **Supplements (Law No. 75 of June 29, 2005) Extract**

#### **Article 1. (Effective date)**

This Law shall come into force on the date stipulated by Cabinet Order within the limits not exceeding one year from the date of promulgation. However, the provisions of Article 3, Article 13, and Article 14 of the Supplements shall come into force on either the date of enforcement of the Law for Partial Revision of the Penal Code, etc. to Cope with Global Syndication of Crimes and IT Advancement (Law No. < > of 2005), or the date of enforcement of this Law, whichever comes later.

#### **Article 2. (Transitional measures)**

The provisions of Article 2, paragraph 1, item 3 of the Unfair Competition Law, after revision in accordance with Article 1, shall apply to acts enumerated in the same item committed after the enforcement of this Law, and the precedents shall be still followed with regard to acts enumerated in Article 2, paragraph 1, item 3 of the Unfair Competition Law, before revision, in accordance with Article 1, committed before the enforcement of this Law.

#### **Article 3.**

The provisions of Article 9, paragraphs 1 to 3 of the Law concerning Punishment for Organized Crimes, Control of Criminal Proceeds, etc. (Law No. 136 of 1999; hereinafter referred to as the "Organized Crime Punishment Law") shall also apply to any act committed before the enforcement of this Law in respect of any property arising from a criminal act (including such act committed outside of Japan, that, if committed in Japan, constitutes a criminal charge under Japanese law and also constitutes a criminal charge under the law of the jurisdiction where the relevant act was committed) that falls under any of the criminal charges enumerated in Article 14, paragraph 1, item 1 to item 6-2, or item 7 of the Unfair Competition Law before revision in accordance with the provisions of Article 1 (except for the portions pertaining to Article 11, paragraph 1 of the same law), Article 200-2, paragraph 1 of the Patent Law before revision in accordance with the provisions of Article 2, Article 60-2, paragraph 1 of the Utility Model Law before revision in accordance with the provisions of Article 3, Article 73-2, paragraph 1 of the Design Law before revision in accordance with the provisions of Article 4, Article 81-2, paragraph 1 of the Trademark Law before revision in accordance with the provisions of Article 5, Article 122-2 of the Copyright Law before revision in accordance with the provisions of Article 6, or Article 60-2, paragraph 1 of the Utility Model Law before revision in accordance with the provisions of Article 3 of the same law that remained valid by virtue of the provisions of Article 4, paragraph 1 of the Supplements of the Law for Partial Revision of the Patent Law, etc. (Law No. 26 of 1993) before revision in accordance with the provisions of Article 6 of the Supplements (referred to as the "Old Utility Model Law of 1993" in Article 6 of the Supplements) or obtained due to the relevant criminal act, or any property obtained in reward for the relevant criminal act. In this case, such property shall be regarded as criminal proceeds under Article 2, paragraph 2, item 1 of the Organized Crime Punishment Law.

#### **Article 4.**

In connection with the application of the provisions of Article 2, paragraph 2, item 3 of the Organized Crime Punishment Law during a period of time from the date of enforcement of this Law up to the day before the date of enforcement of the Law for Partial Revision of the Penal Code, etc. to Cope with Global Syndication of Crimes and IT Advancement, if the date of enforcement of the Law for Partial Revision of the Penal Code, etc. to Cope with Global Syndication of Crimes and IT Advancement, comes later than the date of

enforcement of this Law, "Article 11, paragraph 1" in the same item shall be read as "Article 18, paragraph 1," and "Article 14, paragraph 1, item 7" shall be read as "Article 21, paragraph 1, item 11."

#### **Article 5. (Reliance on Cabinet Orders)**

In addition to the stipulations set forth in the preceding three Articles, transitional measures required for the enforcement of this Law shall be stipulated by Cabinet Order.

#### **Supplements (Law No. 87 of July 26, 2005) Extract**

##### **Article 1. (Effective date)**

This Law shall come into force on the date of enforcement of the Corporation Law (May 1, 2006).

#### **Supplements (Law No. 17 of March 31, 2006) Extract**

##### **Article 1. (Effective date)**

This Law shall come into force on April 1, 2006. However, the provisions specified in each item below shall come into force on the date stipulated in the relevant item:

- (1) (omitted) the provisions of Article 12 of the Supplements (middle part omitted): June 1, 2006
- (2) (omitted)
- (3) (omitted) the provisions of Article 13 of the Supplements: January 1, 2007
- (4) (omitted)
- (5) (omitted) the provisions of Article 14 of the Supplements: the date stipulated in Article 1, item 2 of the Supplements of the Law for Partial Revision of the Design Law, etc. (Law No. 55 of 2006) (January 1, 2007)

##### **Article 12.**

The Patent Attorneys Law (Law No. 49 of 2000) shall be partially revised as follows:

In Article 4, paragraph 2, item 1, "Article 21, paragraph 4 of the Customs Tariff Law (Law No. 54 of 1910)" shall be altered to "Article 69-9, paragraph 1 of the Customs Law (Law No. 61 of 1954)."

In Article 4, paragraph 2, item 1, "Article 21-2, paragraph 1" shall be altered to "Article 69-10, paragraph 1."

In Article 8, paragraph 1, item 3, "(Law No. 61 of 1954)" shall be deleted.

In Article 8, paragraph 1, item 3, "Article 21, paragraph 1, item 9 of the Customs Tariff Law" shall be altered to "Article 69-8, paragraph 1, item 9 of the same law."

In Article 8, paragraph 1, item 3, "Article 109, paragraph 2 of the Customs Law" shall be altered to "Article 109, paragraph 2 of the same law."

### **Article 13.**

The Patent Attorneys Law (Law No. 49 of 2000) shall be partially revised as follows:

In Article 4, paragraph 2, item 1, "Article 69-3, paragraph 1 and" shall be added after "(Law No. 61 of 1954)."

In Article 4, paragraph 2, item 1, "Article 69-4, paragraph 1 and " shall be added after "the same law."

In Article 8, paragraph 1, item 3, "Article 108-4, paragraph 2 (limited to the portions pertaining to Article 69-2, paragraph 1, item 4; the same shall apply hereunder in this item) or paragraph 3 (limited to the portions pertaining to Article 108-4, paragraph 2 of the same law)" shall be added after "the Customs Law."

In Article 8, paragraph 1, item 3, "Article 108-4, paragraph 2 and" shall be added after "Article 112, paragraph 1 (the same law)."

### **Article 14.**

The Patent Attorneys Law (Law No. 49 of 2000) shall be partially revised as follows:

In Article 4, paragraph 2, item 1, "Article 69-9, paragraph 1" shall be altered to "Article 69-12, paragraph 1."

In Article 4, paragraph 2, item 1, "Article 69-10, paragraph 1" shall be altered to "Article 69-13, paragraph 1."

In Article 8, paragraph 1, item 3, "Article 69-2, paragraph 1, item 4" shall be altered to "Article 69-2, paragraph 1, item 3 and item 4."

In Article 8, paragraph 1, item 3, "Article 69-8, paragraph 1, item 9" shall be altered to "Article 69-11, paragraph 1, item 9."

### **Article 16. (Review)**

The Government shall, after a lapse of five years from the enforcement of this Law, if deemed necessary in

consideration of the state of enforcement of the Customs Law after revision in accordance with the provisions of Article 5, review the provisions of the same law and take any necessary measures based on the results of the said review.