

# **Cabinet Order Relating to Registration of Layout-Design Exploitation Right**

(Cabinet Order No. 326 of December 24, 1985)  
Final revision: Cabinet Order No. 233 of August 3, 2007

The Cabinet shall establish this Cabinet Order on the basis of the provisions of Article 8, paragraph 1, item 4 and Article 50 of the Act on the Circuit Layout of a Semiconductor Integrated Circuits (Act No. 43 of 1985).

Chapter 1. General Provisions (Article 1 to Article 5)

Chapter 2. Layout-Design Registry and Closed Layout-Design Registry (Article 6 and Article 7)

Chapter 3. Procedures for Registration

Section 1. General Regulations (Article 8 to Article 37)

Section 2. Procedures Relating to Exclusive Exploitation Right and Non-Exclusive Exploitation Right (Article 38)

Section 3. Procedures Relating to Right of Pledge (Article 39 to Article 46)

Section 4. Procedures Relating to Extinguishment (Article 47 to Article 52-quinquies)

Section 5. Procedures Relating to Trust (Article 53 to Article 65-bis)

Chapter 4. Miscellaneous Provisions (Article 66 to Article 71)

Supplementary Provisions

## **Chapter 1. General Provisions**

(Purpose)

Article 1. This Cabinet Order shall specify the matters necessary for the registration relating to a layout-design exploitation right.

(Order)

Article 2. The order of priority of rights registered in relation to the same layout-design exploitation right or other right relating to the layout-design exploitation right, unless otherwise provided for in laws and regulations, shall follow the chronological order of registration.

Article 3. The order of supplemental registration follows the chronological order of the main registration, and the order of the supplemental registrations follows the chronological order thereof.

Article 4. When the registration of the right which has been provisionally registered has been effected, the order thereof follows the chronological order of the provisional registration.

Article 5. The provisions of the preceding Article shall apply mutatis mutandis to the provisional registration (Hereinafter, referred to as “preserved provisional registration”) following the provisional disposition under Article 53, paragraph 2

of the Civil Provisional Remedies Act (Act No. 91 of 1988) as applied mutatis mutandis pursuant to Article 54 of the Civil Provisional Remedies Act.

## **Chapter 2. Layout-Design Registry and Closed Layout-Design Registry**

(Loss)

Article 6. When the whole or a part of the patent registry is lost, the Minister of Economy, Trade and Industry shall specify a period of no less than three months and make notice that a person filing the application for restoration of the registration within the period still has order in the Layout-Design Registry.

2. The procedures for the application under the preceding paragraph and the registration thereby shall be separately provided for by a Cabinet Order.

(Closed Layout-Design Registry)

Article 7. When the Minister of Economy, Trade and Industry has cancelled the registration of the establishment of a layout-design exploitation right (Hereinafter, referred to as “registration of establishment”), the Minister of Economy, Trade and Industry shall move the registration concerning the layout-design exploitation right in the Layout-Design Registry to a Closed Layout-Design Registry as stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

## **Chapter 3. Procedures for Registration**

### **Section 1. General Regulations**

(In the Case of Registration)

Article 8. The registration, unless otherwise provided for in laws and regulations, shall not be made if there is no application or commission.

2. The provisions concerning a registration by an application, unless otherwise provided for in laws and regulations, shall apply mutatis mutandis to the procedures for registration by commission.

(Ex officio Registration)

Article 9. The Minister of Economy, Trade and Industry shall, ex officio make a registration of the following matters.

(1) Extinguishment of a layout-design exploitation right (excluding those by abandonment)

(2) Extinguishment of an exclusive exploitation right, non-exclusive exploitation right, or a pledge due to a merger

(Application for Registration)

Article 10. The registration shall, unless otherwise provided for in laws and regulations, be applied for by a person entitled to demand registration and a person obliged to register.

Article 11. The registration, where the written approval of the person obliged to

register is attached to the written application, may be solely applied for by the person entitled to demand registration.

Article 12. Registration by a judgment or inheritance or other general succession may be solely applied for by the person entitled to demand registration.

Article 13. Change or correction of indication of the registered person may be solely applied for by the registered owner.

(Written Application)

Article 14. A person filing an application for registration (excluding an application for a registration of establishment) shall submit a written application stating the following matters to the Minister of Economy, Trade and Industry.

(1) The registration number of the established layout-design exploitation right

(2) The name and the domicile or residence of the applicant, and where the applicant is a juridical person, the name of its representative

(3) Where the registration is applied for by a representative, the name and the domicile or residence thereof

(4) The cause of the registration and the date of occurrence thereof

(5) The purpose of the registration and where the purpose of the registration concerns a right other than the layout-design exploitation right, an indication of the right

(6) The date of the application

(Documents to be Attached)

Article 15. The following documents shall be attached to the written application of the preceding Article.

(1) Document certifying the cause of the registration

(2) Where the permission, approval, consent, or the authorization of a third party is required with regards to the cause of the registration, a document certifying the same

(3) Where the registration is made by a representative, a document certifying the authority thereof

2. Where the document of item 1 of the preceding paragraph is an executable judgment, it is not necessary to attach the document of item 2 of the preceding paragraph.

3. In the case prescribed in paragraph 1, item 2, where the third party has signed and affixed his/her seal to the written application, it is not necessary to attach the document of the same item.

(Statement of Matters Concerning Extinguishment of Rights)

Article 16. Where there is a provision on matters concerning the extinguishment of the right which is the object of the registration in the cause of the registration, the matters shall be stated in the written application.

(Statement of the Portion of the Respective Shares)

Article 17. Where there is a provision on the portion of their respective shares in the cause of the registration, the portion of their respective shares shall be stated

in the written application.

2. Where there is a provision on Article 14, paragraph 2 of the Act on the Circuit Layout of Semiconductor Integrated Circuits (Hereinafter, referred to as “the Act”) (including the application mutatis mutandis under Article 16, paragraph 5 and Article 17, paragraph 5 of the Act) in the cause of the registration, or if there is a contract under the proviso of Article 256, paragraph 1 of the Civil Law (Act No. 89 of 1896) as applied mutatis mutandis pursuant to Article 264 of the Civil Law in the cause of the registration, this shall be stated in the written application.

(Attachment of Copy of Family Register)

Article 18. When falling under any of the following items, the applicant shall attach to the written application a copy or an abstract of a family register or a residence certificate, a certificate of the registered matters, or documents which certify that the respective matters of the following items are factual.

(1) Where the cause of registration is inheritance or other general succession.

(2) Where the applicant is the heir or other general successor of the person entitled to demand registration or the person obliged to register.

(3) Where a change or correction of indication of the registered owner is applied for.

(Affixing of Seal)

Article 19. When applying for a registration of the transfer of a layout-design exploitation right, excluding when the registration is applied for under the provisions of Article 12 or when the state or local government corresponds to a person obliged to register, the seal of the person obliged to register who obtained a certification of a mayor of municipality or a ward (for a juridical person, the seal of a representative which has been certified by the registry office to which the seal was submitted with regards to the registration of the juridical person) shall be affixed to the written application.

2. The provision of the preceding paragraph shall not apply to the case when the registration of the transfer of a layout-design exploitation right by executing the disposition by public sale, compulsory execution, or execution of a pledge is commissioned.

3. Where an application is filed for the extinguishment of the registration of establishment, otherwise than by a judgment, the seal of the registered owner which has been certified by the mayor of the municipality or the ward (for a juridical person, the seal of the representative which has been certified by the registry office to which the seal was submitted with regards to the registration of the juridical person) shall be affixed to the written application.

4. The seal to be affixed to the written application under the provision of paragraph 1 or the preceding paragraph shall be made within three month from the date of the certification by the mayor of the municipality or the ward, or the registry office.

(Omission of Documents to be Attached)

Article 20. In the case of simultaneously applying for registration by two or more written applications, where the contents of the documents to be attached to each

written application are the same, the documents may be attached to one written application, and the attachment of the documents to the other written application(s) may be omitted by making a statement to that effect in the other written application(s).

2. In the case when the documents to be attached to the written application were already submitted to the Minister of Economy, Trade and Industry with regards to another case relating to a registration, where there are no changes of the matters described in the documents, the attachment of the documents may be omitted by making a statement to that effect in the written application. However, the Minister of Economy, Trade and Industry may, when he/she finds it to be particularly necessary, request the submission of the documents.

#### (Joint Applications)

Article 21. The registrations of two or more layout-design exploitation rights or rights concerning a layout-design exploitation right may be applied for with the same written application only when the causes and purposes of the registrations are the same.

#### (Subrogation of Creditor)

Article 22. Where the creditor applies for registration by subrogation of the debtor under Article 423 of the Civil Law, the creditor shall state the following matters in the written application, in addition to the matters listed in the items of Article 14 (in case of an application for the registration of establishment, the matters listed in the items of Article 3, paragraph 2 of the Act), and, shall attach a document certifying the cause of the subrogation.

- (1) The names and the domiciles or residences of the creditor and the debtor
- (2) The cause of subrogation

#### (Order of Registration)

Article 23. The registration by an application shall be made according to the order of reception.

#### (Declining of Application for Registration)

Article 24. The reasons specified by Cabinet Order under Article 8, paragraph 1, item 4 of the Act are as follows.

- (1) Where the written application does not meet the formality requirement.
- (2) Where the matters stated in the written application are inconsistent with the documents or other materials attached to the written application.
- (3) Where the necessary drawings or other materials are not attached to the written application.
- (4) Where the registration tax is not paid.

Article 25. The Minister of Economy, Trade and Industry shall, in the following cases, dismiss the application for registration (excluding the application for registration of establishment).

- (1) Where the matters for which the application for registration is made are not the matters to be registered.
- (2) Where the written application does not meet the formality requirement.

- (3) Where the establishment registration number stated in the written application or the indication of the right which is the purpose of the registration is inconsistent with the Layout-Design Registry.
  - (4) Excluding the case under Article 18, item 2, where the indication of the person obliged to register stated in the written application is inconsistent with the Layout-Design Registry.
  - (5) Excluding the case under Article 18, item 3, where the indication of the applicant, who is the registered owner, is inconsistent with the Layout-Design Registry.
  - (6) Where the matters stated in the written application are inconsistent with the document certifying the cause of the registration.
  - (7) Where the necessary documents are not attached to the written application.
  - (8) Where the registration tax is not paid.
2. The Minister of Economy, Trade and Industry shall, when dismissing the application under the provisions of the preceding paragraph, without delay, notify the applicant thereof indicating the reasons.

(Case of Making Supplemental Registration)

Article 26. The registration of a change of rights other than a layout-design exploitation right (excluding a change of rights other than the layout-design exploitation right due to trust) shall be made with a supplementary note, when there is no third party having an interest in the registration, or when a written approval of a third party having an interest in the registration or a copy or an abstract of the court decision which may be asserted against the third party is attached to the written application.

Article 27. The registration of a change or correction of the indication of the registered owner shall be made with a supplementary note.

(Change of the Administrative Area, etc)

Article 28. Where there is a change of the name of the administrative area or land, the name of the administrative area or land recorded in the Layout-Design Registry shall be deemed to have been changed.

(Correction)

Article 29. The Minister of Economy, Trade and Industry shall, when an error or omission is discovered with regards to the registration after the registration is finished, notify this, without delay, to the person entitled to demand registration and the person obliged to register.

2. The Minister of Economy, Trade and Industry shall, in the case under the preceding paragraph, where the registration relates to an application under Article 22, make the notification of the preceding paragraph to the creditor, without delay.

3. Where there are two or more persons entitled to demand registration, persons obliged to register, or creditors, it shall be sufficient that the notification of the two preceding paragraphs be made to any one of them.

Article 30. The Minister of Economy, Trade and Industry shall, in the case provided in paragraph 1 of the preceding Article, where an error or omission of the registration is based on the negligence of the Minister of Economy, Trade and Industry, excluding the case when there is a registered third party having an interest, without delay, correct the registration, and, shall notify the person entitled to demand registration and the person obliged to register of the same. In this case, the notification under paragraph 1 is not required.

2. The provisions of paragraph 2 and paragraph 3 of the preceding Article shall apply mutatis mutandis to the case of the preceding paragraph.

Article 31. The provision of Article 26 shall apply mutatis mutandis to the correction of registration (excluding the correction of the indication of the registered owner).

#### (Restoration of Cancelled Registration)

Article 32. In the case when the restoration of a cancelled registration is applied for, where there is a registered third party who has an interest, a written approval of the third party, or a copy or abstract of a judgment which may be asserted against the third party shall be attached to the written application.

Article 33. The registration of the restoration of a registration which has been partially cancelled shall be made with a supplementary note.

#### (Provisional Registration)

Article 34. A provisional registration shall be made in the following cases.

(1) Where the procedural requirements necessary to apply for the registration are not satisfied.

(2) Where it is intended to preserve a claim with regards to the establishment, transfer, modification, or extinction of a layout-design exploitation right, exclusive exploitation right, or non-exclusive exploitation right, or a pledge on these rights, or where the claim has a designated time of commencement or a condition precedent, or the claim is to be fixed in the future.

Article 35. The provision of Article 52 shall apply mutatis mutandis to the case when the application for a definitive registration is filed after the provisional registration concerning the transfer of a layout-design exploitation right is filed.

2. The Minister of Economy, Trade and Industry shall cancel the registration of a third party having an interest, if the definitive registration is to be made when the application of the preceding paragraph is filed.

#### (Preliminary Registration)

Article 36. A preliminary registration shall be made when an action for cancellation of the registration by invalidating or revoking the causes of the registration or restoration of the registration has been filed. However, this is limited to the cases when invalidation or revocation of the causes of the registration can be asserted against a third party without knowledge.

Article 37. The court clerk shall, where an action under the preceding Article has been filed, by their authority, without delay, attach a copy or abstract of the

complaint to the written commission and commission a preliminary registration to the Minister of Economy, Trade and Industry.

## **Section 2. Procedures Relating to Exclusive Exploitation Right and Non-Exclusive Exploitation Right**

(Application for Registration of the Establishment, etc., of Exclusive Exploitation Right)

Article 38. Where the registration of the establishment of an exclusive exploitation right is applied for, the following matters shall be stated in the written application.

- (1) The range of the exclusive exploitation right to be established
- (2) If there is a provision with regards to the amount of compensation, the method of payment, or the period for the payment in the cause of the registration, such provision
2. Where an application for the registration of the transfer of an exclusive exploitation right is filed, the range of the exclusive exploitation right to be transferred shall be stated in the written application.
3. When transferring the exclusive exploitation right together with the business in which it is worked, a document certifying this shall be attached to the written application.
4. The provisions of the three preceding paragraphs shall apply mutatis mutandis to an application for the establishment of a non-exclusive exploitation right and for the registration of a transfer.

## **Section 3. Procedures Concerning Right of Pledge**

(Application for Registration of Establishment of Right of Pledge)

Article 39. Where an application for the registration of the establishment of a right of pledge is filed, the following matters shall be stated in the written application.

- (1) Indication of the right which is the purpose of the right of pledge
- (2) Amount of the claim
- (3) Where there is a provision concerning the term, the due date, interest, penalty, or the amount of the causes of the registration, a provision under Article 18 of the Act, a provision under the proviso of Article 346 of the Civil Law, or where there are conditions governing the claim, such provisions or conditions
- (4) The name and the domicile or residence of the debtor
2. Where an application for the registration of the establishment of the right of pledge for securing a certain range of an unspecified claim with limitation of the maximum amount is filed, notwithstanding the provision of the preceding paragraph, the following matters shall be stated in the written application.
- (1) Indication of the right on which the pledge is established
- (2) Range of the claim to be secured
- (3) Maximum amount of the claim
- (4) If there is a provision on the date on which principal to be secured becomes conclusive is specified, such provision
- (5) The name and the domicile or residence of the debtor



Article 40. Where an application for the registration of the right of pledge which is established as a security against the claim the amount of which is not fixed is filed, the amount of the claim shall be stated in the written application.

Article 41. Where an application for the registration of the establishment of two or more rights of pledge for securing the same claim is filed, other rights on which the rights of pledge are established shall be indicated in the written application.

2. In the case when an application for the registration of the establishment of a right of pledge is filed, where the registration of the establishment of a right of pledge for securing the same claim has already been made, the right on which the establishment of the right of pledge has been registered shall be indicated in the written application.

(Application for Registration of Change of Right of Pledge)

Article 42. An application for the registration for a change in order of priority in the case when the change in order of priority of the rights of pledge is made based on an agreement between the pledgees under the provision of the Civil Law shall be made jointly by the pledgees who agreed to the change in order of priority.

Article 43. The provision of Article 39 shall apply mutatis mutandis to the application for registration to be filed when the pledge is established a security against other claims or the pledge is transferred or abandoned for the benefit of other creditors against the same debtor under the provision of the Civil Law.

(Application for Registration of Transfer of Right of Pledge)

Article 44. Where an application for the registration of a transfer of the right of pledge by partial transfer or subrogated performance of the claim is filed, the amount of the claim subjected to transfer or subrogated performance shall be stated in the written application.

(Application for Registration of Subrogation)

Article 45. Where the application for registration of subrogation when a right of pledge is to be undertaken by subrogation of a pledgee having a higher priority is filed under the provisions of the Civil Law, the priority of the pledgee shall indicate the layout-design exploitation right or other layout-design exploitation right for which payment was received by the pledge having a higher priority and state its cost and the amount of payment received in the written application.

2. The provision of Article 39 shall apply mutatis mutandis to the application for registration of the preceding paragraph.

(The Case of Supplemental Registration)

Article 46. The registration of the transfer of a right of pledge, the registration of a change with regards to the right of pledge due to trust, a registration for the restriction on the disposition of a right of pledge, and the registration of the subrogation of paragraph 1 of the preceding Article shall be made with a supplementary note.

## **Section 4. Procedures Concerning Cancellation**

### **(Cancellation of Registration of Establishment)**

Article 47. The cancellation of the registration of establishment may be filed only by the registered owner of the layout-design exploitation right of which the establishment has been registered.

### **(Cancellation of Registration due to Death)**

Article 48. Where registered rights other than the layout-design exploitation right were extinguished due to the death of a person, when a copy or an abstract of the family register which certifies the death, or documents equivalent thereto is attached to the written application, the application for the cancellation of the registration may be filed only by the person entitled to demand registration.

### **(Cancellation of Registration When the Whereabouts of the Person Obligated to Register Is Unknown)**

Article 49. Where an application for cancellation of the registration cannot be filed because the whereabouts of the person obliged to register is unknown, the person entitled to demand registration may file a petition for public notification prescribed in Article 141 of the Non-Contentious Cases Procedure Act (Act No. 14 of 1898).

2. In the case of filing the petition of the preceding paragraph, where the decision of nullification prescribed under the Non-Contentious Cases Procedures Act Article 148, paragraph 1 is made, the person entitled to demand registration may file solely an application for the cancellation of the registration by attaching a copy or abstract thereof to the written application.

3. In the case prescribed in paragraph 1, where a claim deed, a receipt of the claim, and receipts of latest two years of the periodic payments are attached to the written application, the application for the cancellation of the registration concerning the right of pledge may be filed solely by the person entitled to demand registration.

### **(Cancellation of Provisional Registration)**

Article 50. The application for the cancellation of the provisional registration may be filed solely by the provisionally registered owner.

2. Where a written approval of the provisionally registered owner or a copy or an abstract of the decision which may be asserted against the provisionally registered owner is attached to the written application, the application for the cancellation of a provisional registration may be filed only by registered persons having an interest.

### **(Cancellation of Preliminary Registration)**

Article 51. The court clerk of the court of first instance shall, when the decision to dismiss the action listed in Article 36, or the decision against the person who brought the case became conclusive, the action was withdrawn, the request was abandoned, or when there was a settlement with regards to the purpose of the request, by his/her own authority, without delay, attach a copy or an abstract of

the decision, or documents certifying the withdrawal of the action, the abandonment of the request, or the settlement to the written commission, and commission the cancellation of the preliminary registration to the Minister of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry shall, where cancellation or restoration of the registration was made by invalidating or revoking the grounds for the registration, by his/her own authority, cancel the preliminary registration.

(Cancellation of the Registration in the Case when there is a Third Party Having an Interest)

Article 52. When an application for the cancellation of the registration is filed, if there is a registered third party having an interest, a written approval of the third party or a copy or an abstract of the decision which may be asserted against the third party shall be attached to the written application.

(Cancellation of Registration made after registration of Provisional Disposition)

Article 52-bis. After the registration of the provisional disposition (excluding those made together with the provisional registration for the purpose of preservation. Hereinafter the same shall apply in this Article and the following Article) was made with regards to the layout-design exploitation right, under Article 53, paragraph 1 of the Civil Provisional Remedies Act as applied *mutatis mutandis* pursuant to Civil Provisional Remedies Act Article 54, when the creditor of the provisional disposition files a registration (excluding the provisional registration) with regards to the layout-design exploitation right wherein the debtor of the provisional disposition is the person obliged to register, an application for the cancellation of the registration made after the registration of the provisional disposition may be filed solely by the creditor.

2. Where an application for the cancellation of the registration under the preceding paragraph is filed, documents certifying that the notification was made under Article 59, paragraph 1 of the Civil Provisional Remedies Act as applied *mutatis mutandis* under Civil Provisional Remedies Act Article 61 shall be attached to the written application.

3. The Minister of Economy, Trade and Industry shall, when a registration made after the registration of the provisional disposition was cancelled under paragraph 1, cancel the registration of the provisional disposition by his/her own authority.

Article 52-ter. The provisions of paragraph 1 and paragraph 2 of the preceding Article shall apply *mutatis mutandis* to the case when the creditor of the provisional disposition files an application for registration (excluding provisional registration) with regards to the transfer or extinguishment of the right wherein the debtor of the provisional disposition is the person obliged to register after the provisional disposition is registered under Article 53, paragraph 1 of the Civil Provisional Remedies Act as applied *mutatis mutandis* pursuant to Article 54 of the Civil Provisional Remedies Act with regards to rights other than the layout-design exploitation right.

2. The provision of paragraph 3 of the preceding Article shall apply *mutatis mutandis* to the case when the registration made after the registration of the

provisional disposition is cancelled under paragraph 1 of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph.

Article 52-quarter. In the case when an application for the registration is filed after the provisional registration for the purpose of preservation with regards to the exclusive exploitation right is made, the cancellation of the registration of an exclusive exploitation right, or a non-exclusive exploitation right, or a pledge on these rights, made after the registration of the provisional disposition may be applied for solely by the creditor of the provisional disposition concerning the provisional registration for the purpose of preservation.

2. The provision of Article 52-bis, paragraph 2 shall apply mutatis mutandis to the application for cancellation under the provision of the preceding paragraph. (Cancellation of Registration of Prohibition of Disposition)

Article 52-quinquies. The Minister of Economy, Trade and Industry, shall, where the definitive registration was made after the provisional registration for the purpose of preservation, by his/her own authority, cancel the registration of prohibition of disposition made together with the provisional registration for the purpose of preservation.

## **Section 5. Procedures Concerning Trust**

(Method for Applying for Registration of Trust)

Article 53. The registration of a trust of the layout-design exploitation right or other rights concerning the layout-design exploitation right may be solely filed by the trustee.

(Special Procedures of Application for Registration of a Change Regarding Rights)

Article 54. The registration of the change of the layout-design exploitation right or any right relating to a layout-design exploitation right by a trust made in accordance with a method listed in Article 3, item 3 of the Trust Law (Act No. 108 of 2006) may be applied for solely by the trustee.

(Procedures of Application for Registration of Trust)

Article 55. Where the application for registration of trust is filed, the following matters shall be stated in the written application.

- (1) The name and the domicile or residence of the consignor, the trustee, and beneficiary
- (2) If there is a provision on the conditions on the designation of the beneficiary, or the method of specifying the beneficiary, such provision
- (3) Where there is a trust administrator, the name and the domicile or residence thereof
- (4) Where there is a beneficiary representative, the name and the domicile or residence thereof
- (5) Where there is a trust that issues beneficiary certificates under Article 185, paragraph 3 of the Trust Law, a statement to that effect
- (6) Where the trust is a trust not specifying the beneficiary of Article 258, paragraph 1 of the Trust Law, a statement to that effect

(7) Where the trust is a charitable trust under Article 1 of the Act on Charitable Trusts (Act No. 62 of 1922), a statement to that effect

(8) Purpose of the trust

(9) The administration method for the trust property

(10) Reason for termination of the trust

(11) Other trust clauses

2. Where any of the matters listed from item 2 to item 6 of the preceding paragraph are stated in the application of the preceding paragraph, it is not necessary to state the name and the domicile or residence of the beneficiary of item 1 of the preceding paragraph (limited to the beneficiary who is represented by the representative in the case when the representative is specified under the provision of item 4 of the same paragraph).

Article 56. The beneficiary or consignor may file an application for the registration of a trust in subrogation of the trustee.

2. The provision of Article 22 shall apply *mutatis mutandis* to the application under the preceding paragraph. In this case, documents certifying that the layout-design exploitation right or other rights concerning the layout-design exploitation right is trust property shall be attached to the written application.

Article 57. The application for the registration of trust shall be made at the same time as the application for the registration of transfer or change of a layout-design exploitation right concerning the trust, or establishment, transfer or change of rights other than the layout-design exploitation right concerning the trust.

Article 58. The application for the cancellation of the registration of trust to be made in the case when the layout-design exploitation right or other rights relating to a layout-design exploitation right that belong to a trust property no longer belongs to a trust property due to the transfer or change shall be filed at the same time as the application for the registration of the transfer or change of the layout-design exploitation right or any right relating to a layout-design exploitation right.

2. The cancellation of the registration of trust may be applied for solely by the trustee.

(Change of Trustee)

Article 59. In the case when there is a change of the trustee, where an application for the registration of the transfer of the layout-design exploitation right or other rights relating to a layout-design exploitation right is filed, documents certifying the change shall be attached to the written application.

2. The provision of the preceding paragraph shall apply *mutatis mutandis* to the registration of a change to be made under the provisions of the body of Article 86, paragraph 4 of the Trust Law.

Article 60. When the trustee's duties have been terminated due to the trustee's death, a decision to commence bankruptcy proceedings, a judgment to commence guardianship or curatorship, the trustee's dissolution by reasons other than the

merger of a juridical person, or a dismissal order given to the trustee by the court or competent government agency (including a national government administrative agency to which the authority of the competent government agency is delegated, and a prefectural executive agency that administers affairs under the jurisdiction of said competent government agency. The same shall apply hereinafter), the application for the registration of paragraph 1 of the preceding Article may be filed solely by the new trustee.

2. In the case when there are two or more trustees, where the duties of one or some of the trustees have been terminated due to the reasons under the preceding paragraph, the application for the registration of paragraph 2 of the preceding Article may be filed only by the other trustees.

#### (Registration of Change of Trust)

Article 61. The court clerk shall, where there was a judgment for dismissal of the trustee, or a judgment for appointment or dismissal of a trust administrator or a beneficiary representative, by his/her own authority, without delay, commission the registration to that effect to the Minister of Economy, Trade and Industry.

Article 62. The competent government agency shall, where the trustee was dismissed, or a trust administrator or a beneficiary representative was appointed, or dismissed, without delay, commission the registration thereof to the Minister of Economy, Trade and Industry.

Article 63. The court clerk shall, when there is a judgment to order a change of the trust, by his/her own authority, without delay, commission the registration to that effect to the Minister of Economy, Trade and Industry.

2. The competent government agency shall, when a change of the trust was ordered, without delay, commission the registration to that effect to the Minister of Economy, Trade and Industry.

Article 64. The Minister of Economy, Trade and Industry shall, where the following registrations are made regarding a layout-design exploitation right or any right relating to a layout-design exploitation right that belongs to a trust property, make the registration of the change of trust by his/her own authority.

(1) The registration of the transfer of a right under Article 75, paragraph 1 or paragraph 2 of the Trust Law

(2) The registration of a change of a right under the body of Article 86, paragraph 4 of the Trust Law

(3) The registration of a change or correction of the name or the domicile or residence of the registered owner who is the trustee

Article 65. Excluding the cases under Article 61 to the preceding Article, where there was a change with regards to the matters listed in the items of Article 55, paragraph 1, the trustee shall, without delay, file the application for registration thereof in the Layout-Design Registry, with a document certifying the change.

2. The beneficiary or the consignor may file the application under the preceding paragraph in subrogation of the trustee.

3. The provision of Article 22 shall apply mutatis mutandis to the application under the preceding paragraph.

(Special Provisions for Registration of Change, etc., Regarding Rights)

Article 65-bis. In the case when the layout-design exploitation right or a right relating to a layout-design exploitation right is changed from a property that belongs to a trust property of one trust to a property that belongs to a trust property of another trust due to consolidation or splitting of a trust, the cancellation of the registration of trust with regards to the one trust and the application for the registration of trust with regards to the other trust, concerning the layout-design exploitation right or other rights relating to a layout-design exploitation right shall be made at the same time as the application for the registration of a change of the layout-design exploitation right or any right relating to a layout-design exploitation right due to the consolidation or splitting of the trust. The same shall apply also when the layout-design exploitation right or other right relating to a layout-design exploitation right is changed from a property that belongs to a trust property of one trust to a property that belongs to a trust property of another trust whose trustee is identical to the trustee of the one trust by reasons other than the consolidation or splitting of the trust.

2. With regards to the registration (excluding the registration of Article 54) of a change of the layout-design exploitation right or other rights relating to a layout-design exploitation right in the cases listed in the left column of the following Table, made for the layout-design exploitation right or other rights relating to a layout-design exploitation right that belongs to a trust property, the person listed in the middle column of the Table shall be the person entitled to demand registration, and the person listed in the right column of the Table shall be the person obliged to register.

(1) When the layout-design exploitation right or other rights relating to a layout-design exploitation right are changed from a property that belongs to the trustee's own property to a property that belongs to the trust property	Beneficiary (If there is a trust administrator, the trust administrator. Hereinafter the same shall apply in this table.)	Trustee
(2) When the layout-design exploitation right or other rights relating to a layout-design exploitation right are changed from a property that belongs to the trust property to a property that belongs to the trustee's own property	Trustee	Beneficiary
(3) When the layout-design exploitation right or other rights relating to a layout-design exploitation	Beneficiary and the Trustee of the other trust	Beneficiary and the trustee of the

right are changed from a property that belongs to the trust property of one trust to a property that belongs to a trust property of another trust		one trust
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## Chapter 4. Miscellaneous Provisions

(Application of Provisions when a Registration Agency Conducts the Affairs of the Registration of Establishment)

Article 66. With regard to the application of the provisions of Article 7 , Article 9, Article 14, Article 20, paragraph 2, Article 24, Article 25, Article 29, paragraph 1 and paragraph 2 (including the application under Article 30, paragraph 2), Article 30, paragraph 1, Article 35, paragraph 2, Article 37, Article 51, Article 52-bis, paragraph 3 (including the application under Article 52-ter, paragraph 2), Article 52-quinquies, Article 61 (including the application under Article 62), Article 63, paragraph 1 (including the application under the same Article, paragraph 2), and Article 64 when the registration agency conducts the affairs of the registration of establishment, etc., under the provisions of Article 28, paragraph 1 of the Act, “the Minister of Economy, Trade and Industry” in these provisions (excluding Article 24) shall read “the registration agency”, and “registration tax” in Article 24, item 4 and Article 25, paragraph 1, item 7 shall read “registration tax and fees”.

(Valid Period of Agency Registration)

Article 67. The time period specified by the Cabinet Order under Article 30-bis, paragraph 1 of the Act shall be three years.

(Registration when there is a Reason for a Request for Examination)

Article 68. The Minister of Economy, Trade and Industry shall, in the case when there is a request for examination concerning the registration and a decision that the request for examination should be accepted is made, order that reasonable measures be taken by the registration agency.

(Fees for Issuance, etc., of Documents Concerning a Layout-Design Registry)

Article 69. The amount of the fees to be paid under Article 49, paragraph 1 of the Act shall be as shown in the following Table.

	Amount
Person who shall make payment	
(1) Person requesting issuance of the documents stating the matters recorded in the Layout-Design Registry under the provision of Article 48, paragraph 1 of the Act	3000 yen / case
(2) Person requesting the inspection or copying of the written application, or the drawings or other materials attached thereto under the provision of Article 48, paragraph 1 of the Act	3000 yen / case



(Authorization of the Amount of Fees Concerning Affairs of Registration of Establishment, etc., Conducted by Registration Agency)

Article 70. The registration agency which wants to obtain the authorization under Article 49, paragraph 2 of the Act shall submit a written application which states the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry with respect to the amount of fees for obtaining the authorization and the amount of costs required for execution of the affairs of the registration of the establishment, etc., to the Minister of Economy, Trade and Industry. The same shall apply when the registration agency wants to obtain authorization for changing the amount of the fees.

2. The Minister of Economy, Trade and Industry shall not grant authorization of the preceding paragraph unless he/she finds that the following requirements are satisfied.

(1) The amount of the fees does not exceed the amount of the costs required for proper implementation of the affairs of the registration of the establishment, etc.

(2) No specific persons will be subject to unfair discriminatory treatment.

(Incorporated Administrative Agencies which are not Required to Pay Fees)

Article 71. The Incorporated Administrative Agencies specified by the Cabinet Order of Article 49, paragraph 3 of the Act shall be the following Incorporated Administrative Agencies.

(1) National Institute of Information and Communications Technology

(2) National Institute for Materials Science

(3) National Institute of Advanced Industrial Science and Technology

(4) Institute of National Colleges of Technology, Japan