

person may, notwithstanding those item, file the application within 14 days (two months for overseas residents) from the date on which the reasons for not filing ceased to be applicable, but not later than six months after the expiration of that time limit.

- (7) The application for trademark registration filed under the preceding paragraph is deemed to have been filed at the time of expiration of the time limit under paragraph (2), item (i).

(Special Provisions Concerning Applications for Trademark Registration after Denunciation of Protocol)

Article 68-33 (1) When, pursuant to Article 15, paragraph (5)(b) of the Protocol, the registered holder of the international registration designating Japan becomes no longer entitled as a person eligible to file the international application pursuant to Article 2, paragraph (1) of the Protocol, the person who was the registered holder of that international registration may file an application for trademark registration in connection with the goods or services listed in that international registration.

- (2) The provisions of Article 68-32, paragraphs (2) through (7) apply mutatis mutandis to an application for trademark registration under the preceding paragraph. In this case, the portion "within three months from the date on which the international registration under that paragraph was rescinded" in paragraph (2), item (i) of that Article is deemed to be replaced with "within two years from the date on which the denunciation under Article 15, paragraph (3) of the Protocol took effect."

(Special Provisions on Reasons for Refusal)

Article 68-34 (1) For the purpose of the application of Article 15 to an application for trademark registration pursuant to Article 68-32, paragraph (1) or Article 68-33, paragraph (1), the portion "falls under any of the following items" in Article 15 must be replaced with "falls under any of the following items or where an application for trademark registration under Article 68-32, paragraph (1) or 68-33, paragraph (1) does not comply with the requirements provided in Article 68-32, paragraph (1), Article 68-33, paragraph (1) or each item of Article 68-32, paragraph (2) (including cases where applied mutatis mutandis upon reading the specified terms in accordance with Article 68-33, paragraph (2))."

- (2) The provisions of Article 15 (limited to the part pertaining to items (i) and (ii)) do not apply to an application for trademark registration under Article 68-32, paragraph (1) or Article 68-33, paragraph (1) pertaining to a trademark right that was pertaining to the international registration (referred to in Articles 68-37 and 68-39 as "re-filing of trademark right pertaining to former international registration").

(Special Provisions on Registration of the Establishment of Trademark Rights)

Article 68-35 Notwithstanding Article 18, paragraph (2), where, in connection with an application for trademark registration under Article 68-32, paragraph (1) or Article 68-33, paragraph (1), the examiner's decision or the trial or appeal decision to the effect that the trademark is to be registered has been rendered within ten years from the date of international registration of the international registration pertaining to that application (where the term of the international registration has been renewed, the date of most renewal) and the individual fee in the amount prescribed in Article 68-30, paragraph (1), item (ii) has been paid to the International Bureau prior to the date on which the international registration pertaining to that application is rescinded pursuant to Article 6, paragraph (4) of the Protocol or to the date on which the denunciation under Article 15, paragraph (3) of the Protocol takes effect, the establishment of the trademark right must be registered.

(Special Provisions on Terms for Trademarks)

Article 68-36 (1) The term of a trademark right provided in Article 68-35 expires after ten years from the date of the international registration of the international registration pertaining to that application (where the term of the international registration has been renewed, the date of most recent renewal).
(2) The provisions of Article 19, paragraph (1) do not apply to the term of a trademark right provided in the preceding paragraph.

(Special Provisions on Opposition to Registration)

Article 68-37 For the purpose of application of Article 43-2 to a trademark registration for the re-filing of a trademark right pertaining to a former international registration, the term "trademark registration" in that article is to be replaced with "trademark registration (in the case of a trademark registration for the re-filing of a trademark right pertaining to a former international registration, except any trademark registration for which the term provided in this Article has lapsed without any opposition to registration of the former trademark registration pertaining to the former international registration)."

(Special Provisions on Invalidation Trials of Trademark Registration)

Article 68-38 For the purpose of the trial prescribed in Article 46, paragraph (1) for the trademark registration for an application for trademark registration under Article 68-32, paragraph (1) or Article 68-33, paragraph (1), the term "falls under any of the following items" in that paragraph is to be replaced with "falls under any of the following items or has been made in violation of the

provisions of Article 68-32, paragraph (1), Article 68-33, paragraph (1) or each item of Article 68-32, paragraph (2) (including cases where applied mutatis mutandis upon reading the specified terms in accordance with Article 68-33, paragraph (2))."

Article 68-39 For the purpose of the application of Article 47 to a trademark registration for the re-filing of a trademark right pertaining to a former international registration, the portion "may not be filed" in that article is to be replaced with "may not be filed. The same also applies, in relation to the trademark registration for the re-filing of the trademark right pertaining to former international registration, even prior to a lapse of five years from the date of registration of the establishment of the trademark right, when a request for trial under Article 46, paragraph (1) can be no longer filed pursuant to this article for the trademark registration pertaining to the former international registration."

Chapter VIII Miscellaneous Provisions

(Amendment of Proceedings)

Article 68-40 (1) The person undertaking a procedure before the Patent Office with regard to an application for trademark registration, an application for defensive mark registration, any requests or any other procedures relating to trademark registration or defensive mark registration, may make amendments relating thereto only when the case is pending in examination proceedings, examination proceedings on opposition to registration, trials and appeals or retrials.

(2) Notwithstanding the preceding paragraph, a person who has applied for trademark registration may, at the time of payment of the registration fee under Article 40, paragraph (1) or Article 41-2, paragraph (1), make amendments to reduce the number of classes of goods or services pertaining to the application for trademark registration.

(Special Provisions on Trademark Rights Covering Two or More Designated Goods or Designated Services)

Article 69 For the purpose of the application of Article 13-2, paragraph (4) (including where it is applied mutatis mutandis pursuant to Article 68, paragraph (1)), Article 20, paragraph (4), Article 33, paragraph (1) and Article 34-2 of this Act, Article 98, paragraph (1), item (i) of the Patent Act as applied mutatis mutandis pursuant to Article 35 of this Act, Article 43-3, paragraph (3), Article 46, paragraph (3), Article 46-2 or 54 of this Act, Article 132, paragraph (1) of the Patent Act as respectively applied mutatis mutandis

pursuant to Article 56, paragraph (1) of this Act or Article 174, paragraph(3) of the Patent Act as applied mutatis mutandis pursuant to Article 61 of this Act, Article 59 or 60, Article 71,paragraph (1), item (i) or Article 75, paragraph (2), item (iv) of this Act, to the trademark registration or trademark right covering two or more designated goods or designated services, the trademark is deemed to have been registered or the trademark right is deemed to exist, for each of the designated goods or designated services.

(Special Provisions on Trademarks Similar to Registered Trademarks)

Article 70 (1) The term "registered trademark" as used in Article 25, Article 29, Article 30, paragraph (2), Article 31, paragraph (2), Article 31-2, paragraph (1), Article 34, paragraph (1), Article 38, paragraph (1), item (ii) or paragraphs (3) through (5), Article 50, Article 52-2, paragraph (1), Article 59,item (i), Article 64, Article 73 or 74 includes trademarks similar to the registered trademark that would be regarded as being identical with the registered trademark if they were in the same colors as the registered trademark.

(2) The term "registered defensive mark" as used in Article 4, paragraph (1), item (xii) or Article 67 include marks similar to the registered defensive mark that would be regarded as being identical with the registered defensive mark if they were in the same colors as the registered defensive mark.

(3) The term "trademark similar to the registered trademark" as used in Article 37, item (i) or 51, paragraph (1) does not include any trademark similar to the registered trademark that would be regarded as being identical with the registered trademark if they were in the same colors as the registered trademark.

(4) The preceding three paragraphs do not apply to a trademark that consists solely of colors.

(Registration in the Trademark Registry)

Article 71 (1) The following particulars are registered in the trademark register, kept in the Patent Office:

- (i) the establishment, renewal, division, transfer, modification, extinction, restoration or restriction on disposition of a trademark right;
- (ii) the establishment, renewal, transfer or extinction of right based on defensive mark registration;
- (iii) the establishment, maintenance, transfer, modification, extinction or restriction on disposition of exclusive right to use or non-exclusive right to use; and
- (iv) the establishment, transfer, modification, extinction or restriction on disposition of a right of pledge on a trademark right, exclusive right to use or non-exclusive right to use.

- (2) The trademark register may be prepared, in whole or in part, in the form of magnetic tapes (including other storage media of a similar format that can record or reliably store certain information; the same applies hereinafter).
- (3) Beyond those provided in this act, particulars relating to the registration must be provided by Cabinet Order.

(Issuance of Certificates of Trademark Registration)

Article 71-2 (1) Upon registration of the establishment of a trademark right or upon registration of the establishment of rights based on defensive mark registration, the Commissioner of the Patent Office must issue a certificate of trademark registration or defensive mark registration to the holder of trademark right.

- (2) The re-issuance of a certificate of trademark registration or defensive mark registration must be provided by Order of the Ministry of Economy, Trade and Industry.

(Requests for Certificates)

Article 72 (1) Any person may file a request with regard to trademark registration or defensive mark registration to the Commissioner of the Patent Office to issue a certificate, a transcript of documents or an extract of documents, to allow the inspection or copying of documents or materials under Article 5 paragraph (4), or to issue documents stored on the magnetic tapes that constitute a part of the trademark register; provided, however, that if the Commissioner of the Patent Office considers it necessary to keep these documents or materials confidential, these provisions do not apply in the case of the following documents:

- (i) documents pertaining to a trial under Article 46, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (4)), Article 50, paragraph (1), Article 51, paragraph (1), Article 52-2, paragraph (1), Article 53, paragraph (1) or Article 53-2 (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (4)) or a retrial of the final and binding trial or appeal decision rendered in those trial, with respect to which the party in the case or an intervener has given notice that a trade secret owned by that party in the case or intervener has been described (a trade secret as provided in Article 2, paragraph (6) of the Unfair Competition Prevention Act (Act No. 47 of 1993); the same shall apply in the following item);
- (ii) documents concerning an advisory opinion on the effects of a trademark right, with respect to which a party in the case has given notice that a trade secret owned by the said party in the case has been described;
- (iii) documents which are likely to negatively affect an individual's reputation

- or disturb their peaceful existence; and
- (iv) documents which are likely to cause damage to public policy.
- (2) Where the Commissioner of the Patent Office approves of the request under the main clause of the preceding paragraph with regard to the documents as provided in item (i) through (iii) of the same paragraph, the Commissioner of the Patent Office notifies the person who submitted those documents thereof and reasons therefor.
- (3) Provisions of the Act Concerning Access to Information Held by Administrative Organs (Act No. 42 of 1999) do not apply to the documents concerning trademark registration or defensive mark registration and the part of the trademark register stored on magnetic tapes.
- (4) Provisions in Chapter V, Section 4 of the Act on the Protection of Personal Information Act Concerning Protection of Personal Information Possessed by Administrative Organs (Act No. 57 of 2003) do not apply to the possessed personal information (referring to the possessed personal information as provided in Article 60, paragraph (1) of that Act) recorded in the documents concerning trademark registration or defensive mark registration and the part of the trademark register stored on magnetic tapes.

(Indication of Trademark Registration)

Article 73 When the holder of trademark right, exclusive right to use or non-exclusive right to use affixes the registered trademark to the designated goods, packaging of the designated goods or articles to be used for the provision of the designated services, or affixes, in the provision of the designated services, the registered trademark to the goods pertaining to the provision of the designated services that belong to the person receiving the designated services pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, they must make efforts to affix to the trademark an indication (hereinafter referred to as an "indication of trademark registration") stating that the trademark is a registered trademark.

(Prohibition of Misrepresentation)

Article 74 It is prohibited for any person conduct the following acts:

- (i) affixing an indication of trademark registration, or an indication which could be confused as a trademark registration, in using a trademark that is not a registered trademark;
- (ii) affixing an indication of trademark registration, or an indication which could be confused as a trademark registration, in using a registered trademark for goods or services that are not the designated goods or designated services;
- (iii) the possession, for the purpose of assignment or delivery, of articles affixed

on goods or on their packaging, a trademark other than a registered trademark, articles affixed on goods other than designated goods, or on their packaging, a registered trademark in connection with goods, or articles affixed on goods or on their packaging, a registered trademark in connection with services, where the indication of trademark registration or an indication which could be confused as such is affixed to that trademark;

- (iv) the possession or importation of articles affixed with a trademark other than a registered trademark, that are used in the course of the provision of services by a person who receives those services, articles affixed with a registered trademark in connection with services, that are used in the course of the provision of services other than the designated services by a person who receives those services, or articles affixed with a registered trademark in connection with goods, that are used in the course of the provision of services by a person who receives those services, where the indication of trademark registration or an indication confusing therewith is affixed to those trademark (hereinafter referred to in the following item as "articles with a false indication of trademark registration pertaining to services"), for the purpose of the provision of those services through use of those articles; and
- (v) the assignment, delivery, or possession or importation for the purpose of assignment or delivery of articles with a false indication of trademark registration pertaining to services, for the purpose of causing the provision of those services through use of those articles;

(Trademark Bulletin)

Article 75 (1) The Patent Office publishes the trademark bulletin

- (2) Beyond the particulars provided in this Act, the trademark bulletin must contain the following:
 - (i) examiner's decisions to the effect that an application is to be refused, or the waiver, withdrawal or dismissal of applications for trademark registration or applications for defensive mark registration after publication of application;
 - (ii) succession of right deriving from an application for trademark registration after publication of application;
 - (iii) amendments made to the designated goods or designated services stated in an application, to the trademark for which the registration is sought, or to the mark for which the defensive mark registration is sought after publication of application;
 - (iv) extinctions of trademark rights (except due to the expiration of the trademark and the provisions of Article 41-2, paragraph (6) (including cases where it is applied mutatis mutandis pursuant to Article 41-2, paragraph (8)));

- (v) filing of an opposition to registration or request trials and appeals or a retrial, or withdrawal thereof;
- (vi) final and binding decisions on the opposition to registration, final and binding trial decision or the final and binding decision or decision on a retrial; and
- (vii) final and binding judgments in actions under Article 63, paragraph (1).

(Fees)

Article 76 (1) Fees must be paid by the following persons in an amount to be provided by Cabinet Order in view of the actual costs:

- (i) persons notifying of succession under Article 34, paragraph (4) of the Patent Act as applied mutatis mutandis pursuant to Article 13, paragraph (2) of this Act;
- (ii) persons filing a request for an extension of the term under Article 17-4 of the Design Act as applied mutatis mutandis pursuant to Article 17-2, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (2)) of this Act, Article 41, paragraph (2), Article 41-2, paragraph (2), 43-4, paragraph (3) (including cases where it is applied mutatis mutandis under Article 68, paragraph (4)) of this Act, Article 65-8, paragraph (3) or Article 4 of the Patent Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of this Act or Article 5, paragraph (1), or a change of the date under Article 5, paragraph (2) of the Patent Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of this Act.
- (iii) persons filing an application for international registration to the Commissioner of the Patent Office pursuant to Article 68-2;
- (iv) persons presenting to the Commissioner of the Patent Office a request for subsequent designation pursuant to Article 68-4;
- (v) persons filing an application for renewal of international registration to the Commissioner of the Patent Office pursuant to Article 68-5;
- (vi) persons filing a request to the Commissioner of the Patent Office for the recording of a change in the ownership of international registration pursuant to Article 68-6;
- (vii) persons filing a request for the re-issuance of a certificate of trademark registration or defensive mark registration;
- (viii) persons filing a request for the issuance of a certificate pursuant to Article 72, paragraph (1);
- (ix) persons filing a request for the issuance of a transcript of documents or an extract of documents pursuant to Article 72, paragraph (1);
- (x) persons filing a request to allow the inspection or copying of documents or materials under Article 5, paragraph (4) pursuant to Article 72, paragraph (1); and

- (xi) persons filing a request for the issuance of documents whose contents are stored on magnetic tapes that constitute part of the trademark register pursuant to Article 72, paragraph (1).
- (2) The persons listed in the center column of the attached table must pay fees in the amount as provided by Cabinet Order within the range of the amounts specified in the corresponding right-hand column of the table.
- (3) The preceding two paragraphs do not apply where the person to pay the fee in accordance with these paragraphs is the national government.
- (4) Where the national government has co-ownership of a trademark right, a right deriving from an application for trademark registration or a right based on an application for defensive mark registration with a person other than the national government, and the portion of their respective shares of that right has been agreed, notwithstanding the provisions of paragraph (1) or (2), the fees payable thereunder (limited to those provided by Cabinet Order) must be determined as the sum of the provided fees multiplied by the ratios of the share of each person other than the national government, and, the persons other than the national government must pay the sum.
- (5) Where of the fees calculated under the preceding paragraph has a fractional figure of less than ten yen, those portion must be discarded.
- (6) The payment of the fees under paragraph (1) or (2) must be made by patent revenue stamps as provided by Order of the Ministry of Economy, Trade and Industry; provided, however, that where so provided by Order of the Ministry of Economy, Trade and Industry, a cash payment thereof must be accepted.
- (7) Fees paid in excess or in error must be refunded upon the request of the person who made payment thereof.
- (8) No request for a refund of the fees under the preceding paragraph may be filed after one year from the date on which the payment thereof has been made.
- (9) When, due to reasons beyond their control, the person filing a request for a refund a registration fee is unable to file the request within the time limit provided in paragraph (7), that person may, notwithstanding this paragraph, file the request within 14 days (two months for overseas residents) from the date on which the reasons for not filing ceased to be applicable, but not later than six months after the expiration of that time limit.

(Mutatis Mutandis Application of the Patent Act)

Article 77 (1) The provisions of Articles 3 through 5 (time periods and dates) of the Patent Act apply mutatis mutandis to time periods and dates provided in this Act. In this case, the term "Article 121, paragraph (1)" of Article 4 of the Patent Act is deemed to be replaced with "Article 44, paragraph (1) or Article 45, paragraph (1) of the Trademark Act."

(2) Articles 6 through 9, Articles 11 through 16, Article 17, paragraph (3) and

Article 17, paragraph (4), Articles 18 through 24 and Article 194 (procedures) of the Patent Act applies mutatis mutandis to an application for trademark registration, an application for defensive mark registration, any petitions or any other procedures pertaining to trademark registration or defensive mark registration. In this case, the portion "appeal against an examiner's decision of refusal" in Article 9 of the Patent Act is deemed to be replaced with "appeal under Article 44, paragraph (1) or Article 45, paragraph (1) of the Trademark Act," the portion "appeal against an examiner's decision of refusal" in Article 14 of the Patent Act is deemed to be replaced with "appeal under Article 44, paragraph (1) or Article 45, paragraph (1) of the Trademark Act," the portion "(ii) where the procedures do not comply with the formal requirements provided by this Act or an order thereunder" in Article 17, paragraph (3) of the Patent Act is deemed to be replaced with "(ii) where the procedures do not comply with the formal requirements provided by this Act or an order thereunder; (ii)-2 where, pertaining to the procedures, the registration fee under Article 40 paragraph (2) of the Trademark Act or the registration fee (including the registration surcharge due and payable pursuant to Article 43 paragraph (1) or (2) of the Trademark Act) payable at the time of application for registration of renewal pursuant to Article 41-2, paragraph (7) of the Trademark Act is not paid," the portion "any of the items in Article 38-2, paragraph (1)" in Article 18-2, paragraph (1) of the Patent Act is deemed to be replaced with "any of the items in Article 5-2, paragraph (1) of the Trademark Act (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (1) of the Trademark Act))."

- (3) The provisions of Article 25 (enjoyment of rights by foreign nationals) of the Patent Act apply mutatis mutandis to a trademark right and other rights relating to the trademark registration.
- (4) The provisions of Article 26 (effect of treaties) of the Patent Act apply mutatis mutandis to the trademark registration and defensive mark registration.
- (5) The provisions of Articles 189 through 192 (Service) of the Patent Act apply mutatis mutandis to service provided in this Act.
- (6) The provisions of Article 195-3 of the Patent Act apply mutatis mutandis to dispositions under this Act or under an order based on this Act.
- (7) Article 195-4 (Restriction on request for review under provisions of Administrative Complaint Review Act) of the Patent Act shall apply mutatis mutandis to an examiner's decision, a ruling to dismiss an amendment, a rescission decision, appeal/trial decision, a ruling to dismiss a written opposition, a ruling to dismiss a written request for appeal/trial or retrial under this Act and to a disposition against which no appeal lies in accordance with this Act or inaction thereof.

(Transitional Measures)

Article 77-2 When an order is established, revised or abolished pursuant to this Act, transitional measures (including transitional measures relating to penal provisions) to the extent deemed reasonably necessary for the establishment, revision or abolishment may be provided by that order.

Chapter IX Penal Provisions

(Crime of Infringement)

Article 78 An infringer of a trademark right or an exclusive right to use (excluding one who has committed an act that is deemed to constitute infringement of a trademark right or an exclusive right to use under Article 37 or Article 67) is subject to punishment by imprisonment for a term not exceeding ten years or a fine not exceeding 10,000,000 yen or both.

Article 78-2 Any person who has committed an act that is deemed to constitute infringement of a trademark right or an exclusive right to use under Article 37 or Article 67 is subject to punishment by imprisonment for a term not exceeding five years or a fine not exceeding 5,000,000 yen or both.

(Crime of Fraud)

Article 79 Any person who has obtained a trademark registration, defensive mark registration, registration of renewal of trademark right or right based on defensive mark registration, decision on opposition to registration or trial decision by means of a fraudulent act is subject to punishment by imprisonment with work for a term not exceeding three years or a fine not exceeding 3,000,000 yen.

(Crime of False Indication)

Article 80 Any person who fails to comply with Article 74 is subject to punishment by imprisonment for a term not exceeding three years or a fine not exceeding 3,000,000 yen.

(Crime of Perjury)

Article 81 (1) A witness, an expert witness or an interpreter who has taken an oath under this Act and made a false statement or given a false expert opinion or a false interpretation before the Patent Office or a court commissioned thereby, is subject to punishment by imprisonment for a term of between three months and ten years.

(2) When a person who has committed the offense in the preceding paragraph has made a voluntary confession before a transcript of the judgment on the case has

been served, or a decision on an opposition to registration or trial decision has become final and binding, the punishment may be reduced or waived

(Crime of Breaching a Confidentiality Order)

Article 81-2 (1) Any person who fails to comply with an order pursuant to Article 105-4, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 13-2, paragraph (5)) of the Patent Act as applied mutatis mutandis pursuant to Article 39 of this Act is subject to imprisonment for a term not exceeding five years or a fine not exceeding 5,000,000 yen or both.

(2) The prosecution of the crime under the preceding paragraph may not be instituted unless a complaint is filed.

(3) The crime under paragraph (1) applies to a person who commits the crime under that paragraph while outside Japan.

(Dual Criminal Liability Provisions)

Article 82 (1) When a representative of a corporation or an agent, employee or other staff member of a corporation or an individual has committed, in the course of performing social activities for the corporation or individual, any act in violation of the provisions prescribed in the following items, beyond the offender, the corporation is subject to punishment by a fine as provided in the corresponding items and the individual is subject to punishment by a fine as provided in each article prescribed in the following items:

(i) Article 78, Article 78-2 or Article 81-2, paragraph (1), a fine not exceeding 300 million yen; and

(ii) Article 79 or Article 80, a fine not exceeding 100 million yen.

(2) In the case of the preceding paragraph, a complaint under Article 81-2, paragraph (2) against the offender also has effect on the corporation or individual and a complaint against the corporation or individual also has effect on the offender.

(3) When a fine is imposed on a judicial person or individual pursuant to paragraph (1) with regard to a violation of Article 78, Article 78-2 or 81-2, paragraph (1), the period of prescription is governed by the same rules as for crimes in the provisions thereof.

(Non-Criminal Fines)

Article 83 When a person who has taken an oath under Article 207, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 151 of the Patent Act as applied mutatis mutandis pursuant to Article 71, paragraph (3) of the Patent Act as applied mutatis mutandis pursuant to Article 28, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (3) of this Act) of this Act, Article 43-8

(including cases where it is applied mutatis mutandis pursuant to Article 60-2, paragraph (1) and 68, paragraph (4) of this Act) or Article 56, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (4) of this Act), Article 174, paragraph (3) of the Patent Act as applied mutatis mutandis pursuant to Article 61 (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (5) of this Act), Article 58, paragraph (2) of the Design Act as applied mutatis mutandis pursuant to Article 62, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (5) of this Act), or Article 58, paragraph (3) of the Design Act as applied mutatis mutandis pursuant to Article 62, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 68, paragraph (5) of this Act) has made a false statement before the Patent Office or a court commissioned thereby, that person is subject to a non-criminal fine not exceeding 100,000 yen.

Article 84 A person who has been summoned by the Patent Office or a court commissioned thereby in accordance with this Act and fails to appear or refuses to take an oath, make a statement, testify, give an expert opinion or interpret without just cause is subject to a non-criminal fine not exceeding 100,000yen.

Article 85 A person who has been ordered by the Patent Office or a court commissioned thereby to submit or present documents or other materials for the purpose of examination or preservation of evidence in accordance with this Act, and fails to comply with the order without a just cause is subject to a non-criminal fine not exceeding 100,000yen.

Supplementary provisions (Extract)

within the period specified by Ordinance of the Ministry of Economy, Trade and Industry

Attached Table (In relation to Article 76)

	Person responsible for payment	Amount
1	Person filing an application for trademark registration	6,000 yen per case plus 15,000 yen for each class
2	Person filing an application for defensive	12,000 yen per case plus 30,000 yen for each class

	mark registration or for registration of renewal of the duration of a right based on defensive mark registration	
3	Person responsible for the procedures under Article 43(7), Article 41(3), Article 41-2(3), Article 65-8(4) of the Patent Act as applied mutatis mutandis under Article 9(3) and Article 13(1), or Article 5(3) of the Patent Act as applied mutatis mutandis under Article 77(1)	4,200 yen per case
4	Person requesting the division of a trademark right	30,000 yen per case
5	Person requesting an advisory opinion pursuant to Article 28(1) (including cases where it is applied mutatis mutandis pursuant to Article 68(3))	40,000 yen per case
6	Person filing an opposition to registration	3,000 yen per case plus 8,000 yen for each class
7	Person requesting to intervene in proceedings of an opposition to registration	11,000 yen per case

8	Person filing a request for appeal/trial or retrial	15,000 yen per case plus 40,000 yen for each class
9	Person requesting to intervene in a trial or retrial	55,000 yen per case