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Correspondence on Service Practice in Japan

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Correspondence on Service Practice in Japan*

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Re: Service Practice in Japan under the Convention on Service
Abroad of Judicial and Extrajudicial Document or
Commercial Matters

Dear Mr. Griffin:

Upon instructions from the Government of Japan, I should like to inform you concerning service practice in Japan in conformity with the provisions of the Convention.

The Government would appreciate it very much if you could kindly see to it that the Japanese practice is circulated to all concerned attorneys in the United States for their information.

1. "The authority or judicial officer of the United States," as indicated in Article 3 of the Convention, is interpreted as being a U.S. marshal or other appointee of a court, such as an attorney, a court clerk or a sheriff, etc., pursuant to Rule 4 of the Federal Rules of Civil Procedure.
2. The Japanese central authority always requires that a document be

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translated into the Japanese language when the document is to be served under the first paragraph of Article 5 of the Convention.

3. If a Request asks for service in accordance with the provisions of sub-paragraph (a) or (b) of the first paragraph of the Article, and if it is not accompanied by a translation of the document, the authority will return the Request to the requesting authority or judicial officer and will require the translation.
4. "Personal Service," which is often used in a Request from the United States, is considered to be a particular method under sub-paragraph (b) of the first paragraph of Article 5.

If the Personal Service only is desired, the Request should indicate the sub-paragraph (b) above (specifying the personal service) and should enclose the translation of the document. (It is most appreciated if the translation of the summary is also attached.) In such a case, a marshal will personally effect the service.

5. The Practice of voluntary service, in accordance with the provisions of the second paragraph of Article 5, which does not require a translation, is as follows:
 1. Court clerk sends a notice to accept the document to the person to be served.
 2. The person so notified may appear before the court to receive the document or may ask the court to send it to the person.
 3. If the person fails to respond within three weeks of notification, the court clerk may by law deem that the service is refused.
6. The central authority will employ only that method of service which is specified in the Request itself, without reference to any desire or suggestion which may appear in other papers which accompany the Request, such as covering letters from attorneys.

Thank you very much for your attention to this matter.

Sincerely yours,



Akio Harada
Legal Attache
First Secretary