

The Essentials of Japanese Patent Law

Cases and Practice

By Hiroya Kawaguchi

KLUWER LAW

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PREFACE

This book is intended to provide a systematic and concise analysis of theoretical issues and information of practical usefulness, such as examination guidelines etc. of the Japanese Patent Office as well as analysis of facts of the important case law. This book is aimed at persons of legal profession in intellectual property law, including scholars interested in a comparative law approach to the field of Patent Law.

This book is fundamentally based on my book in Japanese, published in 2004, entitled *Outlines of the Patent Law and Intellectual Property Related Treaty*.

I have added, for the convenience of those readers who do not understand Japanese, a provisional English translation of major provisions under discussion in the text of this book as well as some background knowledge in basic laws of Japan which will hopefully help readers to better understand the Patent Law of Japan.

This book has been updated to include the latest major revision of the Patent Law effective as of 1 April 2005 and all prior revisions thereof, as well as two important Intellectual Property High Court cases in 2005 and 2006 in addition to one Supreme Court judgment in 2005.

Hiroya Kawaguchi
Takamatsu-Shi, Japan
June 2006

LEGAL ABBREVIATIONS

1 STATUTES

Adm. Case	Administrative Case Litigation Law
Adm. Dissatisfaction	Administrative Dissatisfaction Review Law
Antimonopoly	Law of Prohibition on Monopolisation and Security of Fair Trade
Bankr.	Bankruptcy Law
Civ. Ex.	Civil Execution Law
Civ. L.	Civil Law
Civ. Pr.	Civil Preservation Law
Civ. Proc.	Civil Procedure Law
Comm. L.	Commercial Law
Copyright	Copyright Law
Crim. Proc.	Criminal Procedure Law
Design	Design Law
FFH.	Factory Foundation Hypothecation Law
Gov. Emp. L.	Government Employers Law
Horei	International Private Law
Pat. L. Ord.	Patent Law Implementation Order
Pat. L. R.	Patent Law Implementation Rule
Judiciary	Judiciary Law
Pen. L.	Penal Law
Pen. Proc.	Penal Procedure Law
Pat. Reg. Ord.	Patent Registration Order
Pat. Reg. Ord. R.	Patent Registration Order Rule
s.	Section of the Patent Law
T.M.	Trademark Law

Unf. Comp.	Unfair Competition Prevention Law
Utility	Utility Model Law

2 LAW REPORTS

Minsyu	Supreme Court Reporter in Civil Cases
Kaminsyu	Lower Court Reporter in Civil Cases
Mutaisausyu	Lower Court Reporter in Immaterial Property and Administrative Cases (1969-1990)
Titekisaisyu	Lower Court Reporter in Intellectual Property and Administrative Cases (1991-1998)
Hanta	Hanrei-Taimuzu, Case Law Times (Law Journal)
Hanji	Hanrei-Jihoh, Current Reports of Case Law (Law Journal)

3 CITATION

Court decision	Court Name of era Year-month-day, as: S. Ct. Heisei 11-4-16.
Law Report	Title volume-number-page as Titekisaisyu 19-3-289.
Law Journal	Title Serial number-page as Hanji 1632-119.

4 COURTS

S. Ct.	Supreme Court
H. Ct.	High Court
IP H. Ct.	Intellectual Property High Court
D. C.	District Court

5 NAME OF ERA

Meiji	1st (1868) – 45th (1912)
Taisyo	1st (1912) – 15th (1926)
Syowa	1st (1926) – 64th (1989)
Heisei	1st (1989) to date

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