

Date	March 29, 2016	Court	Tokyo District Court, 47th Civil Division
Case number	2015 (Wa) 13006		
– A case in which the court dismissed the claim for payment of reasonable value based on Article 35, paragraph (3) of the Patent Act prior to the amendment by Act No. 79 of 2004.			

### Summary of the Judgment

In this case, the plaintiff, who was an employee of the defendant, alleged that he/she vested in the defendant the right to obtain a patent right for an employee invention pertaining to the patent right (Patent No. 3682274) held with respect to an invention of an accounting management system he/she made while he/she was employed by the defendant. Based on this allegation, the plaintiff claimed against the defendant payment of 50,000,000 yen as part of 4,833,021,134 yen and delay damages accrued thereon as the claim for reasonable value based on Article 35, paragraph (3) of the Patent Act prior to the amendment by Act No. 79 of 2004.

In this judgment, the court found as follows: Both of the specific procedures of the accounting management and accounting process adopted in the plaintiff's invention can be derived by merely appropriately selecting the matters that had been publicly known prior to the filing date of the patent application for the Patent and have no unique technical significance. Thus, the value of the plaintiff's invention is zero or extremely small and the profits to be obtained by the defendant from said invention are also zero or extremely small. Accordingly, even if any profits that should be obtained by the defendant have been generated by said invention, the amount of reasonable value cannot be found to exceed the paid value (20,000 yen in total) based on the plaintiff's employee invention rules. In addition, the court also determined that the plaintiff can be found to have waived the right to claim a reasonable value with respect to an invention by entering into an agreement to transfer the right to obtain a patent with the defendant. Based on these findings, the court dismissed the plaintiff's claim.