

Reforms of Japanese IP Court System in This Decade

Ken Asai

Judge

IP High Court of Japan

Court System before 1998

- Appeal against JPO decision
(Administrative suit) -- Exclusive jurisdiction of Tokyo High Court
- Other IP cases (Civil Suit)
 - 1st instance -- 50 district courts
 - 2nd instance -- 8 high courts
 - Final instance -- Supreme Court

IP Specialized Divisions

- Only 4 courts in Japan
 - Tokyo High Court (THC)
 - Osaka High Court (OHC)
 - Tokyo District Court (TDC)
 - Osaka District Court (ODC)
- Judicial Research Officials in these courts

Concurrent Jurisdiction on Technological IP Cases

Amendment of Code of Civil Procedure (CCP) (1/1/98 effective)

TDC and ODC have a concurrent jurisdiction on technological IP cases

- Patent, Utility Model, layout-designs of integrated circuits, computer program
- eg. Case in Sapporo -- may come to TDC
- Case in Hiroshima -- may come to ODC

Exclusive Jurisdiction on Technological IP Cases

Amendment of CCP (4/1/04 effective)

- TDC and ODC have an exclusive jurisdiction on technological IP cases
 - THC has an exclusive jurisdiction on appeals against TDC and ODC judgments on technological IP cases
- eg. Case in Hiroshima -- must come to ODC, then to THC

Concurrent Jurisdiction on Non-Technological IP Cases

Amendment of CCP in 2004

TDC and ODC have a concurrent jurisdiction on non-technological IP cases
-- Trademark, Industrial Design, Copyright, Neighboring Right, Breeder's Right, Unfair Competition

Grand Panel in THC

- Amendment of CCP in 2004
- Amendment of the Patent Act and the Utility Model Act (4/1/04 effective)
 - Appeal against judgment of TDC and OSD on technological IP cases
 - Appeal against JPO decision on patent and utility model
 - may be dealt with by a five-judge court

Technical Advisory System

Amendment of CCP in 2004

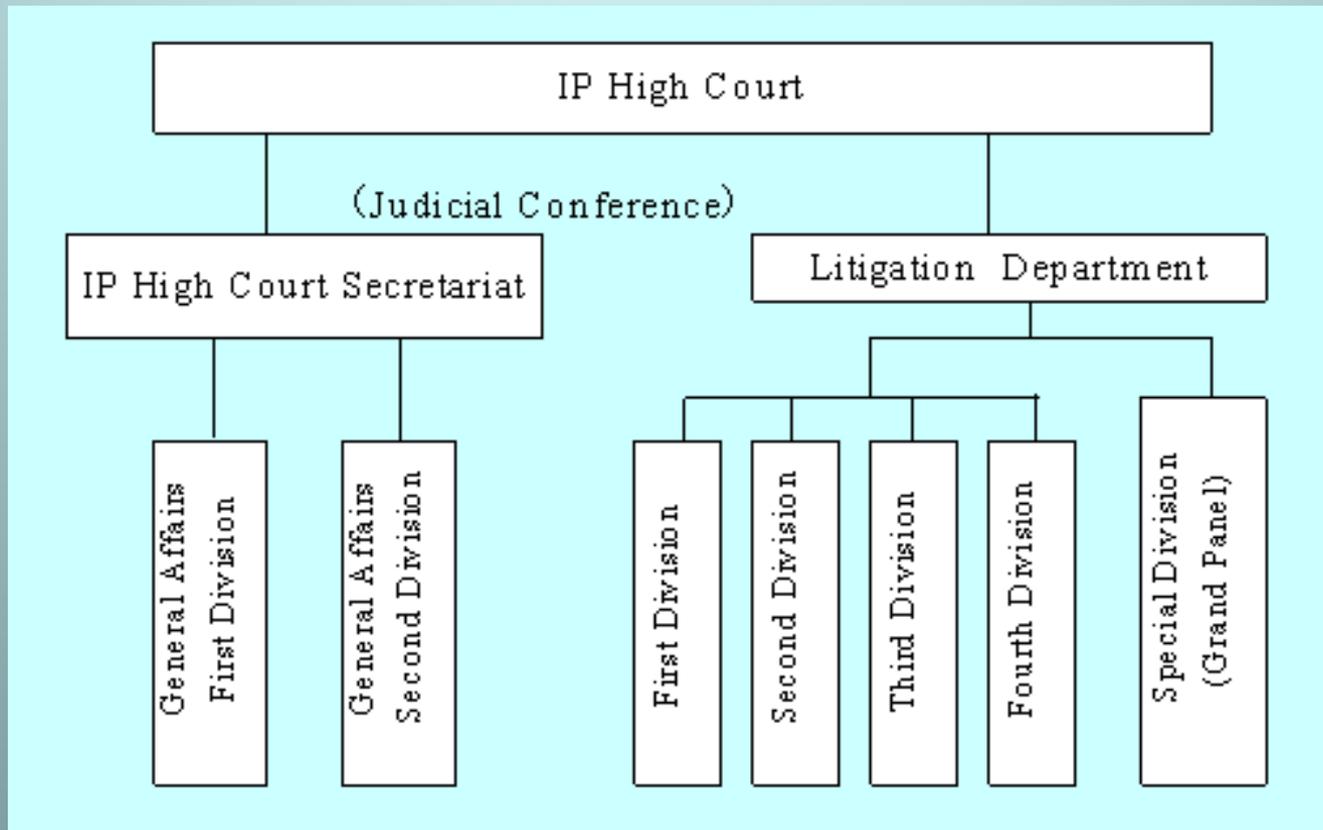
- part-time officials, appointed from among experts such as university professors and researchers of public research institutes who have expertise in various scientific fields

Establishment of IPHC

- Amendment of the Court Organization Law
- Enactment of Act for Establishment of the Intellectual Property High Court
(4/1/05 effective)

IPHC -- Special branch of THC
But independent of THC

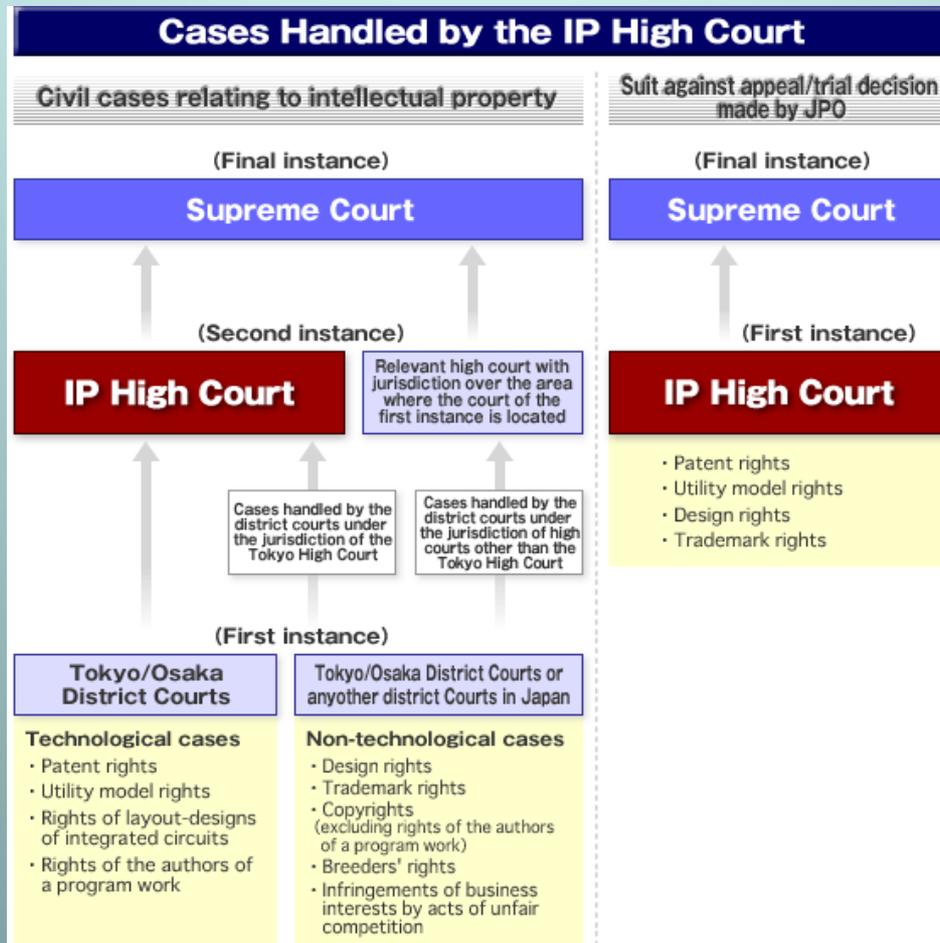
Organization



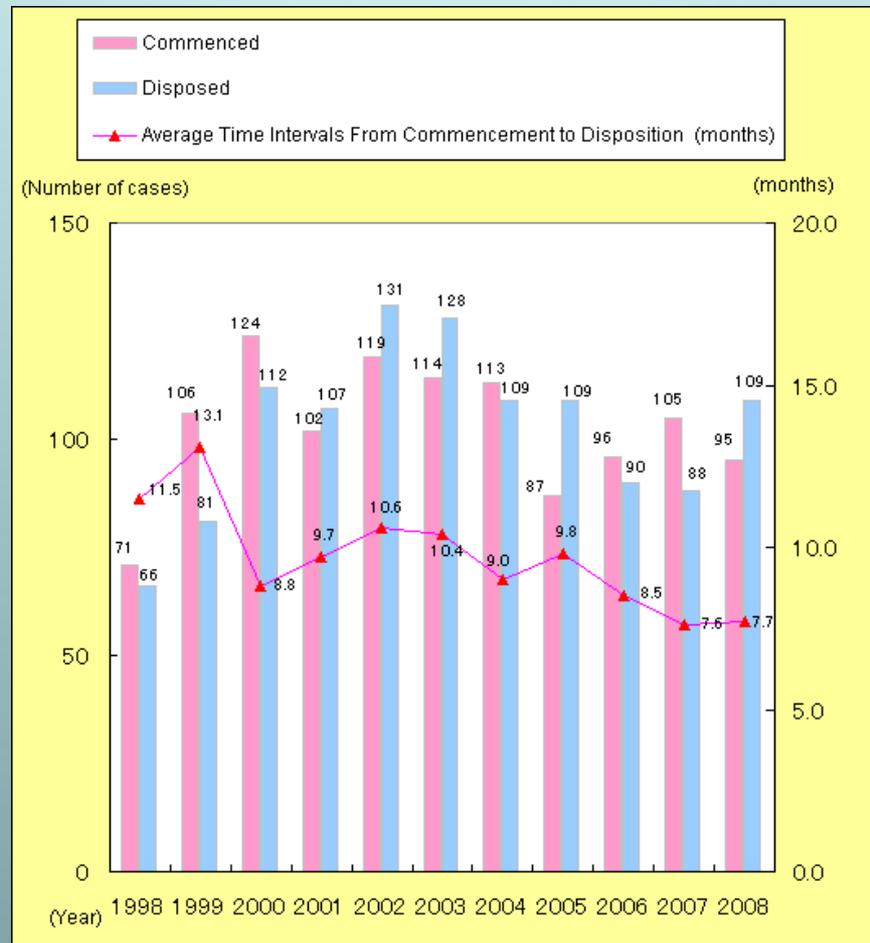
Organization (Personnel)

- Chief Judge
- Other judges (17)
- Judicial Research Officials (11)
- Technical Advisors (more than 200)
- Court Clerks (8)
- Chief Secretary
- Other Court Officials (10)

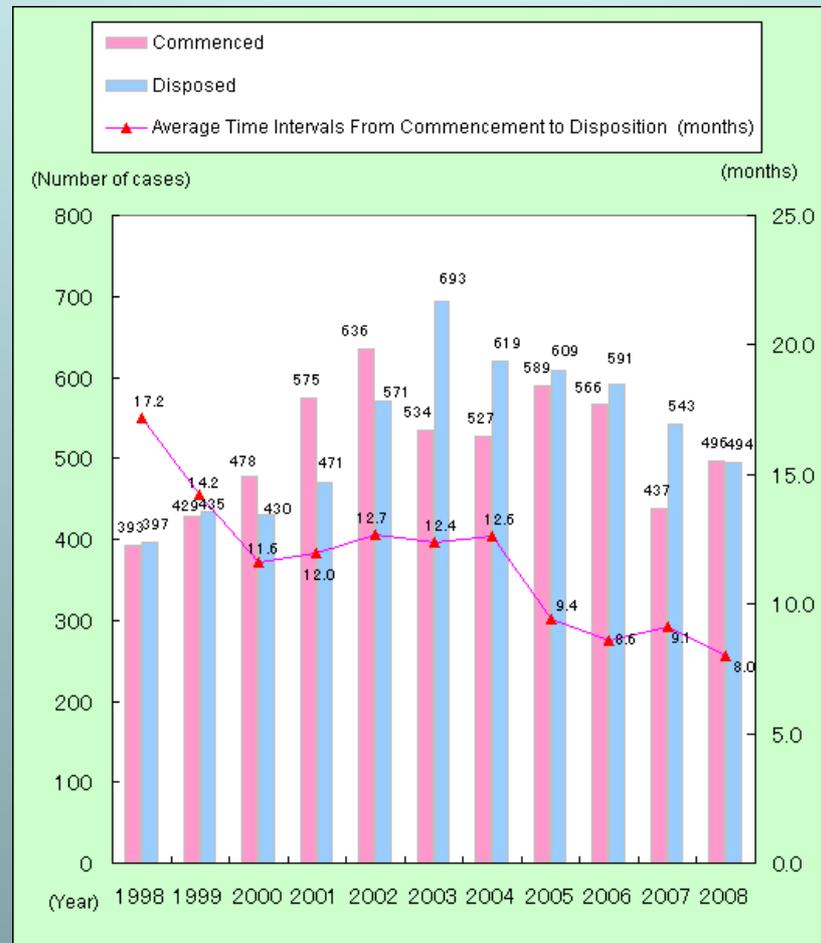
Jurisdiction



Statistics (Appeals, Civil Cases)



Statistics (Appeals, JPO)



Thank you so much for your attention

Ken Aasi

Judge

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