

# **Intensified Case Management in Specialized Courts of Japan**

IP High Court Judge Koichi TANAKA

**April, 2007** 



# IP High Court - 3<sup>rd</sup> year











### **Jurisdiction**



#### **Cases Handled by the IP Court**

Civil cases relating to intellectual property

(Final instance)

**Supreme Court** 



**IP High Court** 

Relevant high court with jurisdiction over the area where the court of the first instance is located



Cases handled by the district courts under the jurisdiction of the Tokyo High Court

Cases handled by the district courts under the jurisdiction of high courts other than the Tokyo High Court



#### Tokyo/Osaka District Courts

#### **Technological cases**

- Patent rights
- Utility model rights
- Rights of layout-designs of integrated circuits
- Rights of the authors of a program work

# Tokyo/Osaka District Courts or any other District Courts in Japan

#### **Technological cases**

- Design rights
- Trademark rights
- Copyrights (excluding rights of the authors of program work)
- Breeders' rights
- Infringements of business interests by acts of unfair competition

Suit against appeal/trial decision made by JPO

(Final instance)

**Supreme Court** 



#### **IP High Court**

- Patent rights
- Utility model rights
- Design rights
- Trademark rights





# Types of IP Litigation in Japan



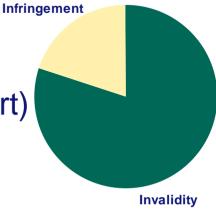
#### 1. Cancellation cases

Lawsuits for the Cancellation of Decisions made by Patent Office



# 2. Infringement cases

100/year, 20% (IP High Court)





# **Court Procedure**



**How long?** 

**How many?** 

Filing of the case

**Hearing Dates** 

**Judgment** 







# **Proposal in 2003**



#### **Three Contents**

- I. Parties should submit by the date
- II. **Discuss** intensively in hearing
- III. Enough time for **preparation**



### **Current Practice**



# **Types of Hearings**

- 1. First Hearing
- Main Hearing
- 3. Final Hearing



**Judgement** 

2 hearing dates

Condensed,

Supported by technical staffs



### **Benefits**



#### I. Predictable and Comfortable

**Parties** 

Courts (Litigation economy)

All people (Industry···)

#### II. Flexible

Applicable to all type of cases

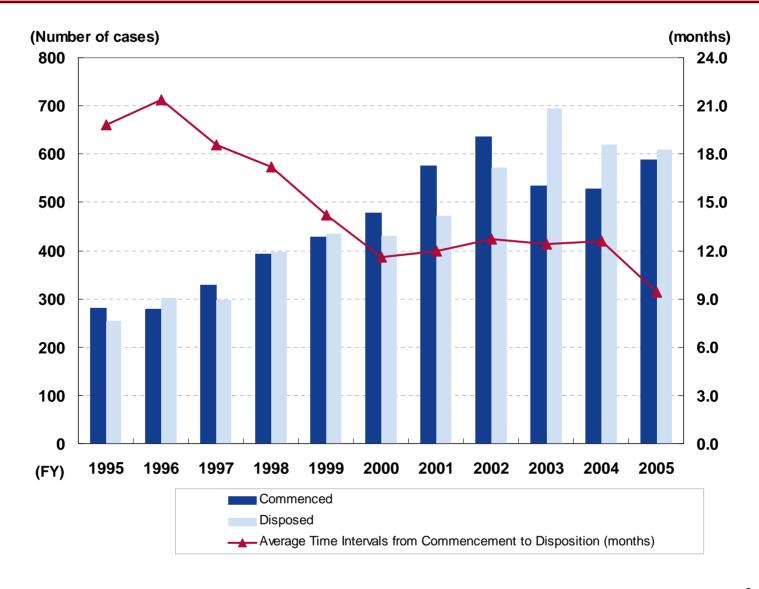
# Ⅲ. Small Backlog



### **Effect- Statistics**



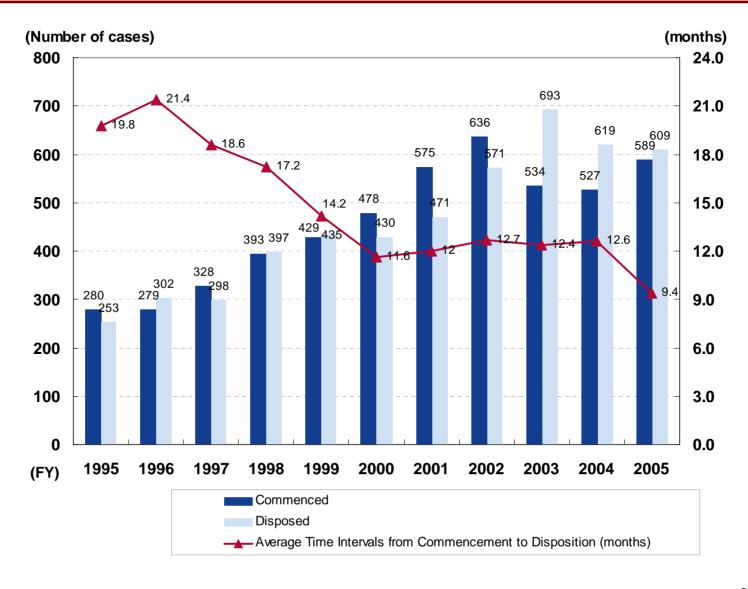




### **Effect- Statistics**













## Thank you for your attention





