

The use of expert knowledge about technologies in patent litigations of Japan

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Overview

1. Organization
2. Judicial Research Officials
3. Technical Advisors
4. Explanatory Sessions

Organization

1. Four ordinary divisions and the Special Division(Grand Panel)

2. 17 judges

Legal experts, appointed from among those who have passed a bar exam and completed the required legal apprenticeship

3. 11 judicial research officials

Full-time 11 judicial research court staff members, consisting of former Japan Patent Office trial examiners, etc. and patent attorneys, who have specialized knowledge in technical fields

Organization(contd.)



Judges' Chamber

Judicial Research Officials

1. Full-time court official
2. No statutory term in general
3. Salary paid for full-time official
4. Not expected to be questioned
5. Carry out research on necessary matters as ordered by the court and report the research result.
6. The research results may not be adopted as evidence.

Judicial Research Officials(contd.)



Office of Judicial Research Officials

Judicial Research Officials(contd.)

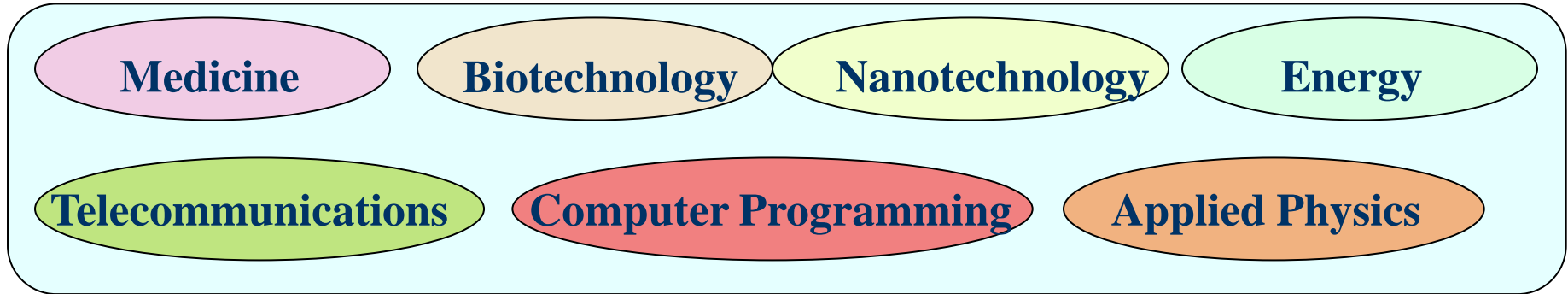


Meeting room next to Office of Judicial Research Officials

Technical Advisors

1. Par-time court official
2. Two years
3. Allowance paid for each case
4. Not expected to be questioned
5. Provide easy-to-understand explanations on scientific matters as the court's advisor.
6. The explanation may not be adopted as evidence.

Technical Advisors(contd.)



Part time court members (more than 200): university professors etc

*All belonging to 3 courts: IP High Court, Tokyo District Court, Osaka District Court



Designated for a case which contains highly difficult technological issues.

Technical Advisors(contd.)



Practical case-study seminars for technical advisors

Expert witness

1. Not a court official
2. No term
3. Fee for an expert opinion
4. May be questioned on the expert opinion
5. Provide expert opinion on specific matters as requested by the court.
6. The opinion may be adopted as evidence and relied on in the judgment.

Explanatory Sessions



- ① Attorney for the Plaintiff
- ② Technical Advisor
- ③ Judge
- ④ Judicial Research Official
- ⑤ Attorney for the Defendant

Explanatory sessions(contd.)

Presentation by both parties (attorneys)

Alleged infringing product

Videogram

Presentation software

Frank discussion



Questions by judge,
Judicial Research Official,
Technical Advisor

Response by parties
and attorneys

**Deepening the understanding
on technological matters etc**

Thank you for your attention.

