

JAPANESE PATENT LAW

CASES AND COMMENTS

Edited by
Christopher Heath & Atsuhiko Furuta



Max Planck Institute
for Intellectual Property and
Competition Law

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Property Law

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This first comprehensive work in English on all aspects of Japanese patent law presents 66 cases with an expert explanatory commentary from academics, attorneys, judges and members of the Japanese Patent Office. This book deals with the whole range of Japanese patent law – requirements of patentability, inventorship and ownership issues, procedures before the Patent Office, scope of protection and interpretation of claims, enforcement and infringement procedures, patent term extensions, licensing and antitrust issues, utility models and more. Many of the cases appear in English for the first time.

Following an informative introduction explaining the economic importance of the patent system for Japan, the cases cover such specific issues as the following:

- definition of an invention;
- assessment of prior art, novelty and inventive step;
- rights of co-inventors;
- disclaimers, corrections and amendments;
- scope and limits of patent protection;
- distinction between repair and reconstruction;
- doctrine of equivalents;
- domestic and international jurisdiction in patent matters;
- interim proceedings and measures;

- defence of invalidity;
- damage calculation;
- patent term extension system; and
- utility models.

Each case commentary follows a uniform structure, including background, summary of the facts, analysis and comparative remarks. The latter allows the reader to put developments in Japan in an international context.

With the wealth of knowledge it makes available – leading Japanese patent cases in English translation, comparative case commentaries by leading experts on Japanese patent law, comprehensive analytical coverage of all aspects of Japanese patent law and coverage of related fields such as licensing, antitrust and civil procedure – this easy-to-use book will be warmly welcomed by patent attorneys and other practitioners (including Japanese patent practitioners advising foreign clients), patent academics and patent offices worldwide.

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