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## Contents & Abstracts

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*Tomokatsu TSUKAHARA*

■ **The Requirement to Duly Assert Against Third Parties of Non-exclusive License** ..... 6

*Shigeki CHAEN*

Patent Act provides the registration as the requirement to duly assert against third parties of non-exclusive license. Recently, the Patent System Subcommittee of Intellectual Property Committee of Industry Structure Council recommended that the registration was not needed. This paper explains the recommendation, and discusses issues of the succession of license and the scope of non-exclusive license under the recommended system.

■ **Further Development of Japanese Design Law Reform** ..... 14

*Naoki MIZUTANI*

In respect of Japanese Design Law Reform, several issues should be discussed from the point of Design Law's proper perspective. In this article, three issues will be discussed.

■ **Recent Movements and Remaining Issues of the Trademark System in Japan** ..... 22

*Naho EBATA*

This article introduces recent topics regarding the reform of Japanese trademark system, which are mainly discussed at the Trademark Committee of the Industrial Structure Council, and also refers to the remaining issues of the trademark system.

■ **Intellectual Property High Court's Decision Relating to the "well-knownness" Requirement to Obtain a Defensive Mark Registration under Trademark Act** ..... 33

*Masaharu MIYAWAKI*

This article is a critical review of the Intellectual Property High Court's decision holding that only famous marks, which are so highly distinctive that the use by another person of the identical mark in connection with unrelated goods or services may cause confusion, should meet the "well-knownness" requirement for the defensive mark registration under the Section 1, Article 64 of Trademark Act. This article contends that that decision is too ambiguous, and that a mark having nationwide recognition among consumers of the designated goods or services, relating to which the mark is sought to be registered as a defensive mark, should suffice the requirement.

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■ **Anti-Counterfeiting Trade Agreement** ..... 39

*Shimpei YAMAMOTO & Naoki KONDO*

Anti-Counterfeiting Trade Agreement (ACTA) is a multilateral agreement that aims to combat the proliferation of counterfeit and pirated goods through providing a framework for the effective enforcement of intellectual property rights. The ACTA initiative was originally launched by Japan, and the negotiations took place among the participants mindful of the protection of intellectual property rights outside of the pre-existing forum, including WTO and WIPO. After 11 rounds of the negotiations, participating states reached an agreement on nearly all the substantive issues in October, 2010 and finalized the text the month thereafter. The legal framework provided in ACTA, which complements the TRIPS Agreement, consists of the civil enforcement, the border measures, the criminal enforcement, and the enforcement of intellectual property rights in the digital environment. ACTA also provides for a means by which to strengthen the enforcement practice and the international cooperation. This piece provides an overview of the enforcement mechanism provided by ACTA.

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