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Naoki YOSHIDA

The Leahy-Smith American Invents Act was signed by the President on September 16, 2011. The Act revised many aspects of U.S. Patent Law, including the change to a first-inventor-to-file system. As this comprehensive patent reform takes effect, industries and practitioners can look forward to the advancement of patent harmonization and U.S. intellectual property.

■ **The Federal Circuit’s recent decisions on Patent-Eligibility of the Inventions under 35 U.S.C. §101 after the Supreme Court’s Bilski decision** 15

Hirotsuna YAMASHITA

In June, 2010, the U.S. Supreme Court concluded that a machine-transformation test is a useful and important clue, but is not a sole test for determining the patent eligibility of the inventions under 35 U.S.C. §101. Since then, the Court of Appeals for the Federal Circuit (CAFC) has decided several cases which involve the patent eligibility of the inventions under 35 U.S.C. §101. In this article, I will discuss some of the CAFC’s recent cases which involve the patent eligibility determination of the inventions.

■ **International jurisdiction over infringement litigations involving intellectual property rights** 27

Shoichi KIDANA

Whether the territorial principle relating to intellectual property governs the international jurisdiction for the judicial litigation over the infringement of intellectual property, and if the answer is positive, the extent of the impact of the territorial principle should be reviewed when a new provision is integrated in the revised Japanese Code of Civil Procedure to rule the international jurisdiction. In particular, the place of tort, which is the ground for jurisdiction of tort cases, is an important matter that is closely connected to the above issues. When the ground for jurisdiction and the statement of claim are not the same, the basic concept of jurisdiction, including facts to be proved by the plaintiff and matters relating to the joint claim, needs to be established from the viewpoints of international civil procedures law, reducing the impact of the territorial principle and considering both the necessity of substantive proceedings and relevance with the forum of the case. The analysis of this paper is based on the above standpoints, referring to the Japan–Korea Joint Principles (2011). In addition, the interpretation of “dismissal of action due to special circumstances” (Article 3-9, Japanese Code of Civil Procedures) under the revised law is mentioned.

■ **“Yakult” bottle case: a case of registration of a bottle form as a trademark** 39

Aiko HORIE

A famous form of bottle for a lactic acid drink is registered as a trademark, though the holder has done nothing against many bottles similar to it on the market.

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