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Makiko TAKABE

The Act 63 on June 8, 2011, the amendment of the Patent Act, established that, after a judgment on a patent infringement litigation had become final and conclusive, the parties to the litigation could not invoke the retroactive effect of a final and binding trial decision etc. for invalidation of the patent posterior to the judgment on the infringement litigation above. Thereby, in the case involving patent validity, it is expected that the dispute settlement function of infringement litigations will be strengthened.

■ **Abolishment of the Effects on Third Parties of Final and Conclusive Trial Decisions in Invalidation Trials** 17

Toshiaki MAKINO

Article 167 of the Patent Act was amended by the Law Amending a Part of the Patent Act, etc. (Law No. 2011-63) and the effects on third parties of final and conclusive trial decisions in invalidation trials were abolished. In this article, I will look back on the history of double jeopardy effects on third parties of final and conclusive trial decisions of invalidation trials in Japan; summarize the circumstances that led to the abolishment of the effects on third parties and speculate about the interpretations of Article 167 of the amended Patent Act.

■ **Patent Assignment Remedy (Vindikation) for the True Owner of an Invention in Case of Derivation/Joint Ownership under Patent Law Reform of 2011** 32

Yuko KIMIJIMA

This article reasons patent assignment remedy under the 2011 Patent Law Reform of Japan from the point of view of the Japanese property law system. Property rights in invention originally owned by inventors are described as “rights to patent” under the Patent Law. Also discussed are some issues of interpretation of Sections 74 and 79bis of the new Patent Law of Japan.

■ **Case Regarding International Jurisdiction over Foreign Company for Japanese Patent Infringement in Light of Website Contents and Other Considerations** 45

Miho SHIN

This is a case study for Intellectual Property High Court decision holding international jurisdiction in tort can be exercised over Korean company for Japanese patent infringement, finding that alleged infringing product had been “offered to sell” in Japan in light of the website contents and other circumstances in Japan. This paper focuses on the international jurisdiction in tort mainly discussing facts to be established for the exercise of jurisdiction in the patent infringement case, including infringement through the website.

■ **Intellectual Property in India: Current Status and Issues** 60

Tomoki SAWAI & Akiyoshi IMAURA

In India, the number of patent applications has increased exponentially along with the country’s rapid economic growth since this century’s beginning. Amid the high expectation for the further facilitation of economic activities between Japan and India after commencement of the Comprehensive Partnership Agreement between these countries on August 1st, the efforts of both Governments for the improvement of IP protection in India are presented here.