
Contents & Abstracts

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Ryuichi MURABAYASHI

■How to Use the Law of Employee Invention Institution revised in 2004 5

Takashi CHOSA

We cannot find any judicial precedents which indicate how to use the law of Employee Invention Institution revised in 2004. There are people who take the theory that places a premium on process. But we should take the theory that places a premium on amount.

■The present conditions and consideration of the Regionally Based Collective Trademark System 17

Soichi OGAWA

This paper introduces the use situation and operational situation of the Regionally Based Collective Trademark System of Japan which went into seven years after enforcement, adds consideration about these, and makes reference also about a future subject further.

■Problems on the Relations between the Intellectual Properties and Trust in Japan 29

Oki SUWANO

The Trust Business Act 2004 made us expect that entrusted intellectual properties would increase. However, the number of the registrations of the entrusted patents was only 3 in 2011. On the other hand, the JASRAC collected more than 10 billion Yen from the users of the copyrighted works in 2011. This article will find what causes such situations.

■Intellectual Property High Court Grand Panel's Case relating to Interpretation of Product-by-process Claims 38

Yoshimi OKADA & Shingo SAIDO

This paper provides a critical study on the decision of the Intellectual Property High Court Grand Panel relating to interpretation of so-called “product-by-process claims” in both infringement determination process and patentability determination process. The court stated that in principle a product-by-process claim should be interpreted as the product limited by the process, i.e. the product actually produced by the process, but if there are special circumstances, of which the patentee bears the burden of proof, it should be interpreted as the product itself i.e. the same product as the one obtained by the process regardless of the process actually used. We disagree with the court’s ruling. We discuss the possible problems and impacts of the adoption of the interpretation method expressed in the decision.

■Case Regarding “product·by·process·claim” 52

Toshisuke KIYONAGA

Reported here is a decision which holds that the scope of product-by-process claim is limited by the process recited in the claim unless there is a situation where the claimed product is difficult or impossible to describe directly in terms of structure or characteristics thereof at the time of filing the application.

■Recent debates at WIPO Arena 60

Ken-Ichiro NATSUME

At WIPO, rousing debates on conventional intellectual property issues such as patents, trademarks, designs, and copyright are a regular occurrence. Recently, the role of development in WIPO activities has been taken into broader consideration. This article presents an overview of current debates at WIPO in the context of development. Activities of the WIPO Japan Office are also introduced.

■IP Circumstances in ASEAN Member States 74

Yasuo OHKUMA

Aiming establishment of ASEAN Community in 2015, ASEAN Member States (AMSs) are in the process of introducing well-established IP system. On the other hand, progress levels of IP system are different among AMSs. In this paper, current circumstances of IP system in AMSs are showcased.