ISSN 1880-3245
October 2009, No.22
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NEWSLETTER

Research Center for the Legal System of Intellectual Property

RCLIP Workshop Series No.28（2009/7/17）

"The Possibility of Limiting Design Rights to Spare Parts and Its Validity"

Tetsuya Imamura, Lecturer, School of Information and Communication, Meiji University

A report was made on the Possibility of Limiting Design Rights to Spare Parts and Its Validity at the RCLIP Workshop Series No.28.

When car component parts such as bumpers or fenders are accidentally damaged, the broken parts are sometimes replaced by the spare parts. There is a bold argument limiting design rights to the parts provided for repair and refusing the enforcement of the right even if the design right are registered. The owners of a design right can enforce the right to component parts such as bumpers or fenders at the aftermarket or primary market but they cannot enforce the right to the spare parts provided at the secondary market.

First, the lecturer explained about the significance of the discussions in EU. A concept of "complex product" exists in Europe at the Community Design Regulation (CDR) and the existing Design Directive and those which are "not visible during normal use of a complex product" are discussed as spare parts in repair clause. Also, he mentioned that interested groups in the spare parts issue included insurance companies and consumers in addition to the owners of design right and independent spare parts makers. Furthermore, he pointed out that the existing ways of legislation related to design right to spare parts included ①the way of not distinguish the spare parts design from other designs, ② the way of refusing the design protection, ③the way of limiting the term of protection, ④ the way of limiting the enforcement under certain conditions, and ⑤the way of providing for a remuneration scheme after certain period of time. He also referred to the movement of discussions in Europe and the U.S.

Regarding the compatibility between the limitation of the design protection for spare parts and the clause to limit the right concerning design in Article 26.1 of the TRIPs Agreement, the lecturer introduced the negative view (going against Article 26.2) by Dr. Joseph Strauss or the ACEA (European Automobile Manufacturers' Association) as well as the positive view (not against Article 26.2) by Dr. Annette Kur or the Commission Staff Working Document, proposal for a Directive of the European Parliament and of the Council Amending Directive 98/71/EC on the Legal Protection of Designs, Extended Impact Assessment, September 14, 2004. The lecturer showed his position to think that setting spare parts clause is admissible in relation with the TRIPs Agreement. As the reasons, he raised that the right provided in Article 26.1 is relatively weaker than the right stipulated for copyright or patent and the TRIPs Agreement did not provide clear rules, and also, at least different from the test concerning copyright limitation, Article 26.2 added a phrase of "taking account of the legitimate interests of third parties". However, he also mentioned that it would not be desirable for Japan to adopt the type of spare parts clause in the existing Proposal for a Directive amending Directive 98/71/EC on the legal protection of designs COM (2004)).

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Lastly, he pointed out that it was not likely for Japan to adopt the same legislation as the European Community Design Regulation or the European Design Directive. He also suggested that, in an intuitive judgment, adopting the spare parts clause in Japan's design law would not provide short-term benefits to domestic industries, however, an accurate judgment must be made after considering the effect on the industries by the adoption of the spare parts clause based on the evidence.

After the report stated above, active discussions took place responding the questions from the participants.

（RC　Tetsuya Imamura）

<RCLIP Europe TLO Seminar>

"Technology Licensing Systems in European Major Countries and The EU Incentive towards an Improved Transfer of Technologies"　（2009/9/7）

Luca Escoffier, Visiting Lecturer –University of Washington School of Law, IIP Invited Researcher

This seminar was held at Ohkuma Tower of Waseda University on September 7, 2009, inviting Mr. Luca Escoffier who has experience as Technology Licensing Manager at Italian bio-related research center to explain about technology transfer systems in European major countries, information of which is relatively insufficient in Japan.

First, as a background, he introduced a Communication which was adopted in 2003 to raise overall R&D investment to 3% of GDP by 2010, in line with the Lisbon strategy agreed at the EU in 2000 to become the most competitive and dynamic "knowledge-based economy" in the world by 2010 (the Communication is, however, nonbinding). In 2007, the European Commission also adopted a Communication focusing on "knowledge transfer" more than technology transfer. Knowledge transfer, in their view, is defined as "processes for capturing, collecting and sharing explicit and tacit knowledge, including skills and competence. It is a superordinate concept of technology transfer including technology-enabled business processes such as licensing. Next, as examples of technology transfer organs in different countries, he introduced the cases including the consulting practices of Isis Innovation Ltd., which is wholly owned by the University of Oxford in the U.K. and the introduction of National Network for Technology Transfer in Denmark.

The significance of innovation as a function of research organizations has been generally recognized in the EU in addition to the traditional two functions such as education and research. He pointed out that there was also some skepticism about potential conflict of interests of researchers and profit-driven research while there had been a trend to integrate the three functions as "Knowledge Triangle".

In April 2008, the Commission passed a recommendation "on the management of intellectual property in knowledge transfer activities and Code of Practice ("Code") for universities and other Public Research Organizations ("PROs"). The Code's main principles for the IP management are: 1) develop an IP policy with clear rules for staff and students; and 2) provide appropriate incentives for the implementation of the IP policy. The Code's main principles for knowledge transfer are: 1) develop and publicize a licensing policy; 2) develop and publicize a policy for the creation of spinoffs; 3) monitor IP protection and knowledge transfer

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activities; 4) define the ownership of IP in collaborative projects. He introduced the difficulties to carry through these principles among researchers, referring to his practical experience in Italy.

Last, as the immediate problems, he pointed out that the major difficulty in terms of technology transfer activities include the lack of harmonization as to inventorship, both by law and agreed upon in collaborative contracts; and the lack of knowledge of the whole process, which involves technical, legal and managerial skills, because the resources are scattered.

Next, Professor Toru Asahi, School of Advanced Science and Engineering, Waseda University, made a presentation titled “What Is Important at the Initial Stage of International Collaboration – The Case of the LIMES of University of Bonn and ASMeW of Waseda University”. He introduced the collaboration in the life and medical science field between the Consolidated Research Institute for Advanced Science and Medical Care, Waseda University (ASMeW), and Life and Medical Sciences Center (LIMES), University of Bonn, showing numerous concrete experiences including personnel exchanges. He said it is most significant to “share philosophy” and “build trust” in order to develop technology and human resources enable to solve worldwide problems.

Associate Professor Kaori Iida, Intellectual Property Division of Tokyo Medical and Dental University, made a speech titled “An Introduction of Industry-Academia International Collaborative Activities in Tokyo Medical and Dental University – Efforts with Western Technology Licensing Organizations”. Since 2008, industry-academia international collaborations have been promoted by the programs of the Ministry of Education, Culture, Sports, Science and Technology in Japan. At present, however, there is not much international collaboration as such. Considering such a current situation, Professor Iida pointed out the significance of technology licensing such as solving common problems as well as developing and accelerating practical business ability. She introduced collaborations with German Universities as well as TLOs of University of Washington and Harvard University by referring concrete examples about the following points: 1) Research study on foreign technology licensing, 2) Development of collaborative systems with foreign TLOs, and 3) Overseas training for internal human resources.

In the panel discussion, Professor Asahi asked about the significance of obtaining a detailed agreement on rights of attribution before starting international collaborative research, based on his experience in signing a MOU with University of Bonn. Mr. Escoffier pointed out that, in Europe, a prior agreement has significance especially when many countries and many participants get involved. He said various templates are often used in such cases. Associate Professor Iida asked whether ex-ante succession is common or not based on the experience in the collaboration with University of Milan. Mr. Escoffier said that IP policies have been developed especially among medical organizations in Italy and further, comparing

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with Japan, the technology licensing system in Japan is matured in terms of innovation promotion. Other discussions were also developed.

(Research Associate Noriyuki Shiga)

Professor Ryu Takabayashi and Judge Setsu Shimizu in Taiwan – Report on the Lecture in Taiwan - （2009/9/22）

Organizer: Intellectual Property Office, Taiwan
Venue: GIS NTU CONVENTION CENTER, International Conference Hall, B1, No.85, Sec.4, Roosevelt Rd., Taipei, Taiwan
Lecturers:
Professor Ryu Takabayashi, Waseda University, Director of RCLIP
Judge Setsu Shimizu, Tokyo District Court

On September 22, "International Review Conference of New Patent Litigation System in 2009" was held in Taipei. This time, the Intellectual Property Office of Taiwan specially invited Professor Ryu Takabayashi and Judge Setsu Shimizu from Japan as lecturers. Professor Takabayashi served as a judge for 17 years to handle civil cases and intellectual property related litigations in Japan. He is now the Director of Research Center for the Legal System of Intellectual Property at Waseda University and Professor of Graduate School of Law. Judge Shimizu serves as chief Judge in Intellectual Property Division of Tokyo District Court.

In Taiwan, the first "Intellectual Property Court" was established in Taipei on July 1 of 2008. About one year has passed since it started handling civil and criminal litigations as well as administrative litigations relating to IPR. People at various sectors have further increased awareness of new litigation systems regarding IP and the majority supports the IP court which efficiently solves the problems. On the other hand, there is a growing anxiety over the influence of practice changes on patent litigation trials. Therefore, IP community in Taiwan was grateful for having two experts from Japan to talk about the above-mentioned issues and they seemed to have high expectations on their visit to Taiwan.

The lecture was held from 9 a.m. to 6 p.m., focusing on examination of patent validity and invalidation trial. The lecturers delivered a 90-minuite lecture respectively in the morning.

First, Professor Takabayashi made a speech titled "Issues Concerning to the Appeal Suit against JPO Decision and Infringement Lawsuits in Japan". Specifically, he used examples and a Q&A method in his speech, which was well-received by the audience finding the explanation easily understandable, to explain about "the distinction between the roles of patent infringement lawsuits against invalidation claim and lawsuits to cancel a trial decision" and "the validity of introducing new grounds or new evidences in lawsuits to cancel a trial decision".

Next, Judge Shimizu talked on "An Overview of Patent Infringement Lawsuits – Centering on Invalidation Defense". It was an interesting talking using figures and examples mainly about "courts and legal proceedings", "IP cases in Tokyo District Court", and "characteristics in the recent patent infringement lawsuits".

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In the afternoon, the session proceeded in round-table format, moderated by Wang, Mei-Hua, Director-General of Intellectual Property Office, MOEA. Experts including Professor Takabayashi, Judge Shimizu, Professor Chaho JUNG from Korea, and Dr. Stanley Lai from Singapore gathered to have a lively discussion over two and a half hours. Also, through the lectures and discussions, we deepened an understanding of differences in patent infringement litigation systems between Japan and Taiwan. In the future, it will be surely useful in considering the revision of Patent Act in Taiwan.

More than three hundred people participated in the lecture including members of Asian Patent Attorneys Association (APAA), representatives of patent offices, law scholars, and the general public in Taiwan. Numerous questions from the participants indicated a high interest in the lecture and their enthusiastic listening attitude was also quite impressive. One representative of a patent office said, "I was kept thinking about a question about the invalidation trial for a long time. But today, I finally got the answer after listening to the lecture by a Japanese expert!" This lecture was well-received as a very useful one. After the round-table session, a party was held for Professor Takabayashi and Judge Shimizu and the conference of this year successfully ended.

Both Professor Takabayashi and Judge Shimizu have talked in Taiwan before. Professor Takabayashi was invited as a lecturer by IP Court of Taiwan this March. Judge Shimizu delivered a lecture two years ago before the establishment of the IP Court of Taiwan. IP community in Taiwan appreciated two of them for taking their time and providing useful opinions. In addition, the lecture was reported by media in Taiwan, having a very favorable reputation.

（Yeh, Tin-Yu）

JASRAC Copyright Seminar
"Practical Issues in Copyright Infringement Lawsuits" （2009/10/3）

JASRAC Copyright Seminar, which is a major event at the end of this year for the Center for Professional Legal Education and Research of Waseda University, started on October 3. The theme this time is "urgent issues related to copyright infringement" and the purpose is to provide opportunities for front-line practitioners and academics in the IP field to talk about the way to balance between copyright protection and copyright use in facing the various issues related to copyright infringement occurring when the protection of copyright law covers a broader range and the ways of using copyrighted works become diversified.

In the first lecture on October 3, at first, Professor Ryu Takabayashi, Director of RCLIP, made an opening address and then, Attorney Ryoichi Mimura, a former judge of IP High Court who involved with many famous IP related judgments and retired recently, delivered a lecture on "Practical Issues in Copyright Infringement Lawsuits".

First, Attorney Mimura explained about the difference between copyright infringement lawsuits and other IP lawsuits by dividing into four points; "lawsuits for moral right issue and lawsuits for property right issue", "litigant parties", "the value of the subject matter of litigation", and "transnational cases", and introduced the characteristics of copyright infringement lawsuits. Next, he elaborated the structure of copyright infringement lawsuits by

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explaining the structure from jurisdictional court to the relation between the act of copyright infringement and unlawful act in general. Based on his practical experience, he especially pointed out the current issues concerning the calculation of damage as well as the difficulty in judging the existence of copyrightability and the identity or similarity in infringing acts. As for a point in dispute in copyright infringement lawsuits, he introduced many issues including the problems in the cases he handled and the different views among ministries and courts, focusing on the term of copyright protection, the subject of infringing acts, karaoke-doctrine, and execution of right to an aider and abettor. Furthermore, he explained about the possibility of introducing fair use as a solution to the practical issues he mentioned and expressed an opinion regarding to the relations between the doctrine of fair use and the solution in the traditional judicial cases. After reviewing the domestic practical issues as such, he instructed the way of reading judicial decisions using the case of Popeye copyright (the Supreme Court, 1992, No. 1443, First Petty Bench of the Supreme Court decided on 17 July 1997, Minshu Vol. 51 No. 6: 2714). Also he suggested that, considering the division of labor between developing stories and drawing in the style of making cartoon series, both an author of the story and a drawer should have the benefit in this kind of case.

For an hour and a half, the audience was carefully listening to the interesting lecture by the former judge, showing the attitude of seriousness. Even though it was held on a Saturday afternoon, more than 170 people participated in the lecture. His humorous talk made the audience laugh and the lecture ended with the great success.

(RA Po-Chun Chen)

<International IP Seminar>
Newly-Modified Patent Act of China: Its Operation and Prospects （2009/10/5）

On October 5 of 2009, the International IP Seminar, “Newly-Modified Patent Act of China: Operation and Prospects” was held at the Okuma Small Auditorium, Waseda University, with the participation of more than 120 people. This seminar was organized by Waseda University Research Collaboration and Promotion Center and co-organized by the RCLIP.

At the start of the seminar, Professor Kenji Horiguchi, Vice President of Waseda University and Professor of School of Political Science and Economics, Professor Tatsuo Uemura, Dean of Faculty of Law, Director of GCOE, and Professor Ryu Takabayashi, Director of RCLIP, made an address respectively. Then, the seminar was held in two parts as keynote speeches and panel discussion, moderated by Global COE Research Associate Yu Fenglei.

Keynote Speeches

The first speaker was Dr. He YueFeng, Deputy Director General, State Intellectual Property Office of People's Republic of China. Dr. He explained about the circumstances surrounding the changes in the patent examination rules and the scope of patent right occurring in accordance with the enforcement of the new Patent Act.

First, he explained about the revision concerning to the patent examination rules. The revision was made mainly in two points. One was that the definition of “prior art” and the definition of “conflicting application” were revised in

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substantial conditions of granting utility model patent right and inventions.

As to the concept of "prior art", the "known art / public art" in the previous "Implementing Regulations of the Patent Law of China" was revised to "art which is publicly known domestically and abroad before the date of filing". In other words, the scope of prior art was extended.

As to the concept of "conflicting application", the subject was revised from "others" in the Article 22-2 of the old Patent Act to "any organs or individuals" in the Article 22-2 of the new Patent Act. Thus, the scope of the subject was extended. To any organs or individuals including applicants, if any similar invention or utility model is filed to the Patent Administration Department of the State Council before the date of filing and also is listed in application documents or patent documents published after the date of filing, the application shall be a "conflicting application".

In accordance with the revision of these two concepts, the description about the definition of novelty and creativity was also modified.

The other is the substantial conditions for granting a design patent. Five parts were revised. ① Introduced the concept of "conventional design" by defining as "the design publicly known domestically and abroad before the date of filing". ② Introduced the concept of "conflicting application" in the substantial conditions for granting design patent right. ③ With the introduction of these two concepts, the description about the novelty requirements was changed and the criteria of judgment was raised. ④ Introduced "creativity" requirements and emphasized that the difference should be clarified between the patent-granted designs and conventional designs or mixture of the features of conventional designs. ⑤ Modified the "non-conflicting" requirements in an accurately-represented description and stipulated that "the design to be granted patent should not conflict legal rights which others obtained before the date of filing".

Next, as to the scope of patent, the following revisions have been made. The first was the revision to the rule concerning the content of the patent. In other words, "sales offer" was included in the act of enforcing design patents in addition to manufacturing, sales, import stipulated in the old law. The second was the revision to the rule to determine the protection scope of a patent. ① As to the protection scope of an invention and utility model, the provision was revised in an accurately-represented description. It states that "the protection scope of an invention or utility model is determined by the content of the claim and the specification and accompanying drawings can be used for interpreting the claim". ②As to the protection scope of a design patent, after the enforcement of the new Patent Act, the brief description, which is required when applying for a design patent, can be used for interpreting the product design presented in a drawing or picture.

The third is the revision to the provision concerning the acts constituting no infringement. First of all, a new rule was set in the new Patent Act. No infringement is constituted when the suspect has an evidence to prove that the suspect's technology or design belongs to conventional technology or design. The new Patent Act accepts the defense of conventional technology with this rule.

Next, as the act constituting no patent infringement, the act of "importing" a genuine product was raised. In other words, parallel import is permitted. In addition, the amendment adopted the U.S. Bolar provision stipulating that no infringement is constituted when a person shall make, use or import patented medicine or medical apparatus in order to acquire information necessary for regulatory approval.

The second speaker was Professor Zhang Ping, Law School of Peking University. She considered the operation of prior art defense in pending lawsuits and the possible issues with the theme of

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"Analysis of 'Prior Art' Defense".

First, she outlined the determination of prior art based on the legal provisions and the "Patent Examination Guideline". Then, four precedents were raised to explain about the operation of the prior art defense in lawsuits. When a suspect claims the "prior art defense", some courts make a judgment in the following order: ①Confirm whether the adduced evidence is considered as a cited literature of the known art defense, ② Compare the art made to the public in the contrastive evidence with the art of the product claimed to have been infringed, and ③Compare technical features between them.

In contrast, other courts adopt a different procedure: ①Compare the suspected infringing product with the patent invention, and ② Compare the patent invention with the known art. Professor Zhang affirmed the former because the latter was inefficient and had a conflicting problem with patent invalidation judgment.

Next, she gave an explanation about the conflict between the prior art defense and an invalidation claim. In the current "Several Provisions of the Supreme People's Court on Issues Relating to Application of Law to Patent Disputes", the Court basically suspends the legal proceedings in infringement disputes if the defendant requests the invalidation of the patent during the term of the defense. The Court, however, may continue the proceedings in the discretion of the judge.

Unless the defense of prior art or design, which is stipulated in Article 62 of the enacted new Law, is established, should the infringement lawsuits be suspended in the case where the defendant requests the invalidation of the right during the defense term? To this question, she stated that the Court should suspend the proceedings so as to ensure the consistency of law application.

However, the parties can file an administrative lawsuit if they do not satisfy the decision made by the Patent Reexamination Board. The Court will decide whether an infringement is constituted after the right is confirmed in the administrative lawsuit. Therefore, the problem is that it takes a great deal of time determining the lawsuit. Also, when judging whether an infringement is constituted, the Patent Reexamination Board only judges novelty and creativity compared to the Court which always decide relying on three factors such as "subjective factor of a suspect", "abuse of patent by patentee", and "public interest". A different conclusion might be drawn. Professor Zhang proposed that a uniformed patent litigation court should be established to solve these problems.

The third speaker was Professor Tao XinLiang, President of Shanghai University IP School but he was unable to come due to illness. Professor Li Xu, President, School of Liberal Arts and Law of Tianjin University read Professor Tao's report. His report examined three issues concerning Chinese Patent Law after the third amendment and its enforcement.

The first issue is the law revision regarding the enforcement of joint patent and a proactive respond focusing on "giving priority to agreement". Article 15 of the new Patent Law is the first provision regulating the enforcement of patent application right or the right of joint

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owners. Professor Tao praised the provision for filling a void in legislation but pointed out the following issues in operation: ① We might confuse "the right to file a patent application"(the right concerning patent application before filing) with "the right of patent application" (the right after filing until granting of a right) because the definition of "patent application" as a legal term is ambiguous. ②Article 15 of the new Patent Law stipulates that "with no agreement, a joint owner is entitled to exploit the patent alone or grant a non-exclusive license to a third party". However, it does not clearly specify the amount which a joint owner can "grant a non-exclusive license to a third party to exploit such patent". If one joint owner grants a large amount of "non-exclusive licenses", there might be an actual or potential threat or damage to the other joint owner. ③Article 15.3 of the new Patent Law stipulates that "any fees generated from such license must be shared among all joint owners". The issue is the way of distribution because there is no clear rule for that.

To these three issues, Professor Tao proposed that, preferably, it should be clearly decided by an agreement in practice based on the rule of "giving priority to agreement" about the ownership and the method of enforcement, the limitation of granting "non-exclusive licenses", and the way of distributing fees generated from licenses.

The next issue was the law revision on the sanctions against patent infringement and proactive management of its benefits. The new Patent Law allows courts or patent management departments to demand "registability report of registered patent" to patentee or interested parties in infringement lawsuit of utility model or design. After explaining the role and effect of the "registability report", Professor Tao proposed that it was necessary to extensively use the "registability report" not only during patent disputes or lawsuits but also for daily operation and to do "self-diagnosis" periodically using it.

The last issue was how corporations must respond to the system of employee's invention in the new Patent Law. Three revisions were made for the system of employee's invention in the new Patent Law: ① The applicable subject was extended from "state enterprise" in the previous law to all enterprises. ②The payments process of compensation was divided into two stages. The law adopted the way of "the payments is under a contract, only in the case that a contract has not concluded, the payments follow the legal provisions, and setting a lower limit but no upper limit under the legal provision which is elastic ③The lower limit of legitimate compensation was raised. Professor Tao stated that corporations should use the principle of "giving priority to agreement". Corporations should take control by having a full agreement with employees on labor or IP contract and related contracts at first and furthermore, determine "partitioned value agreement" based on whether employee's invention relates to their core competitiveness and other balancing interest as well as industrial transformation.

Panel Discussion

In the panel discussion, various issues were discussed among the lecturers including the development of the amendment to the Administrative Instruction of the Patent Law, changes of design application examination after the new Patent Law, the way of judging "conventional art", "common knowledge", or "public art", and prospects for the future IP litigation system in China.

(RA Fei Shi)

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The IP Precedents Database Project

※ The database is available in English at: http://www.globalcoe-waseda-law-commerce.org/rclip/db/

IP Database Project: China

Collecting Chinese precedents in 2009 has started with the help of professors in China

(Global COE Research Associate Yu Fenglei)

IP Database Project: Indonesia

Currently 124 precedents have been placed at the database. Additional 30 will be prepared within this fiscal year.

(Research Associate Noriyuki Shiga)

IP Database Project: Thailand

Currently 422 Thai precedents have already been placed at the database. More 40 cases will be added this year. (RC Tetsuya Imamura)

IP Database Project: Taiwan

Toward the end of the year, the preparation of additional precedents of Taiwan database in 2009 moves into the final stage. Also, since the establishment of Taiwan IP Court in 2007, practical and academic exchanges between Japan and Taiwan have become active. What impact these exchanges could have on trials in Taiwan in the future could be one of the points of focus in terms of research on precedents.

(RA Po-Chun Chen)

IP Database Project: Vietnam

Collecting judicial decisions has started in People's High Court of Vietnam. No concrete progress has been made yet to date, but we will continue the collaborative work with the Court.

(RC Asuka Gomi)

IP Database Project: Europe

We received 50 cases from Germany and 60 cases from France. Now we started working on translation. (Research Associate Akiko Ogawa)

IP Database Project: Korea

Currently Korean IP precedents reached 119 cases in total at the database. We will add more 30 cases this year with the support of the College of Law, Hanyang University.

(RC Lea Chang)

News @RCLIP: Visit to Taiwan

On September 22, "International Review Conference of New Patent Litigation System in 2009" was held jointly by the Intellectual Property Office of Taiwan and Taiwan University. As an invited lecturer, Professor Ryu Takabayashi made a speech titled "Issues Concerning to Judgments in Trials, Invalidation Trials, and Infringement Lawsuits in Japan". He also made a speech at the conference of "Discretionary Appeal and the Restriction of Supreme Courts Judgments" at the main conference room of the chancery on September 23. Taiwanese newspaper covered the conference very favorably.

Please refer to page 3 in this newsletter for the symposium on September 22.

On September 23, although we planned to pay a courtesy call on the Supreme Court and IP Court, at the strong request, Professor Takabayashi made a speech and had a QA session for nearly 90 minutes in the Supreme Court with the moderation of Justice Yang, the chief justice of the Supreme Court, with an audience of about 100 including the Supreme Court judges and other judges.

SINA Net: News
http://news.sina.com.tw/article/20090923/2181603.html

IP Court of Taiwan: HP article (photo)
http://210.69.124.203/ipr_internet/index.php?option=com_content&task=view&id=15&Itemid=71

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Events and Seminars

＜JASRAC Copyright Seminar＞

"Expansive Protection of French Copyright: Intersection with Other Branches of IP Protection and Limits for Public Interests"

【Date】November 28, 2009, 13:00-16:30
【Place】Waseda Campus, Bldg 8, Room B107
【Program】

Part 1. Product Design Protection under Copyright, Trademark and Other IP Laws

Moderator: Toshiko Takenaka, Prof. of University of Washington, Visiting Prof. of Waseda University
Lecturer: Yves Reboul, Professor and Former General Director of CEIPI (Center for Intellectual Property Studies) University of Strasbourg

Part 2. Exceptions to Exclusive Rights in Copyright Law

Moderator: Yasuto Komada, Associate Professor, Sophia University School of Law
Lecturer: Frédéric Pollaud-Dulian, Professor of the University of Panthéon-Sorbonne (Paris I)
【Organizer】Waseda University Center for Professional Legal Education and Research
【Co-organizer】Waseda University Global COE, Research Center for the Legal System of Intellectual Property

＜JASRAC-RCLIP IP Symposium＞

The Fifth Anniversary of IP Annual Report
Issues surrounding the Recent IP Laws

【Date】December 12, 2009, 13:00-17:30
【Place】Waseda Campus, Bldg 8, Room B107
【Program】

Panel 1　13:00～15:00
【Theme】Legal Protection for Celebrities' Names and Portraits – the Latest Movement of Publicity Right –
Moderator: Tatsuhiro Ueno, Associate Prof. of Rikkyo University
Panelists:
Makoto Ito, Attorney at law, Iota law and patent office
Koji Okumura, Associate Prof. of Kanagawa University
Masahiro Motoyama, Associate Prof. of Kokushikan University
【Organizer】Waseda University Center for Professional Legal Education and Research
【Co-organizer】Waseda University Global COE, Research Center for the Legal System of Intellectual Property

Panel 2　15:30～17:30
【Theme】Overview – Trends in IP Precedents and Academic Theories for Five Years －
Moderator: Tatsuki Shibuya, Prof. of Waseda University
Panelists:
Asuka Gomi, Patent Attorney
Motoki Kato, part-time lecturer, Sinsyu University
Tetsuya Imamura, Lecturer, School of Information and Communication, Meiji University
Commentator: Ryoichi Mimura, Attorney at law, former Judge of IP High Court
【Organizer】Waseda University Global COE, Research Center for the Legal System of Intellectual Property
【Support】Shojihomu Inc.

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