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ITC recognizes Funai's claims in TV patent infringement case

TV特許問題、船井電機の主張認める 米国際貿易委員会

In a long-standing dispute which saw the Japanese company Funai Electric sue eleven TV manufacturers including the American Vizio for an alleged patent infringement in the field of liquid crystal television, Funai Electric revealed on April 11, 2009 that the US International Trade Commission (ITC) had issued a final ruling recognizing the validity of the Funai's claims. Unless a settlement is reached with Funai, Vizio and the other defendants will be banned from importing and selling the infringing TV sets in the USA.

The President and CEO of Funai Electric, Mr. Tomonori Hayashi, commented the ruling as follows: "We are very pleased that the ITC has vindicated Funai's efforts to legitimately enforce its U.S. digital television patent, and will continue to vigorously protect our intellectual property rights". Funai Electric had filed the lawsuit in question before the ITC in 2007, alleging that the base patent related to digital broadcasting reception it acquired from the French company Thomson was being infringed and seeking an injunction on the import and sale of the related goods.

Reference:

(i) http://av.watch.impress.co.jp/docs/news/20090413_125282.html

(ii) http://www.bloomberg.co.jp/apps/news?pid=90003011&sid=a4.8OcTG_yWo



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船井電機は2009年4月11日、液晶テレビ関連の特許を侵害されたとして米ビジオなど11社を提訴していた問題で、米国際貿易委員会 (ITC) が船井電機の主張を認める最終決定を下したと発表した。今後船井電機との和解が成立しないかぎり、ビジオなどは対象となるテレビの米国への輸入及び米国内での販売が禁止される。

船井電機の林朝則社長は「当社の主張を支持する最終決定が下り、大変満足している。引き続き積極的に権利保護のために対処していく」とのコメントを発表した。船井電機は仏トムソンから取得したデジタル放送受信に関する基本特許などが侵害されたとして、2007年にITCに特許侵害品の輸入販売差し止めを申し立てていた。

参考URL:

(i) http://av.watch.impress.co.jp/docs/news/20090413_125282.html

(ii) http://www.bloomberg.co.jp/apps/news?pid=90003011&sid=a4.8OcTG_yWo

Patent Prosecution Highway: Japan secures an agreement with a sixth country while worldwide use of the program is on the rise 「特許審査ハイウェイ」提携6カ国目 日本主導、世界で利用拡大

The number of countries participating in Japan's Patent Prosecution Highway program is increasing, with the inclusion of Finland as sixth member country on April 20, 2009. The Patent Prosecution Highway program allows for faster prosecution in the member countries of the applications already registered as patents in Japan. Japan is currently discussing with a further six countries or international organizations regarding the possibility to extend the program. According to the Japan Patent Office (JPO), the underlying idea is to create a "worldwide network" of collaboration between the participating countries, thus paving the way for a hypothetical worldwide patent.

The Patent Prosecution Highway program was designed and implemented by Japan, as part of the country's ambition to become a "country based on Intellectual Property". A trial version between Japan and the USA was first introduced in 2006, followed by a full-fledged implementation in January 2008. So far, the program has also been implemented with Korea, the United Kingdom, Germany and Denmark.

In addition, Japan is currently discussing the extension of the program to a further five countries, including Australia, Russia and Singapore, as well as to the European Patent Office. Similar agreements not involving Japan have also been established, for example between the USA and Korea. The "worldwide network" envisioned by the JPO is under way

Reference:

(i) <http://www.business-i.jp/news/kinyu-page/news/200904100090a.nwc>



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日本企業が国内で認められた特許を他国で出願する場合に、自国並みの迅速な手続きが受けられる制度「特許審査ハイウェイ」の日本の提携国が増えている。2009年4月20日には6カ国目の協定国となるフィンランドとの協定が発効する。日本は新たに6カ国・機関と提携交渉を進めており、2国間の提携を「網の目のような世界的なネットワーク」(特許庁)を構築して、仮想的な“世界共通特許”につなげたい考えだ。

特許審査ハイウェイの制度づくりは「知財立国」を目指す日本が主導した。日米間では2006年に試行が始まり、2008年1月に本格導入。これまでに韓国、英国、ドイツ、デンマークとの間でもスタートしている。

日本は現在、豪州やロシア、シンガポールなど5カ国に加え、欧州特許庁とも提携交渉を進めている。また、米国と韓国間など第三国間でも提携関係が築かれており、参加国間で網の目のような「ネットワーク型ハイウェイ」となっている。

参考URL:

(i) <http://www.business-i.jp/news/kinyu-page/news/200904100090a.nwc>

Spansion and Samsung settle a patent infringement dispute regarding flash memory technology SpansionとSamsung, フラッシュ・メモリー特許侵害訴訟で和解

The US flash memory maker Spansion announced on April 7, 2009 (US time) that it had reached a settlement with the Korean company Samsung in a patent infringement dispute. As part of the settlement, Samsung will pay Spansion 70 million dollars. The US company, which filed for bankruptcy under Chapter 11 of the US Federal Bankruptcy Act on March 1, 2009, declared that the settlement will help Spansion "emerge from the Chapter 11 process a stronger and more focused company".

On November 2008, Spansion had filed a lawsuit before the US International Trade Commission (ITC) and the District Court of Delaware, alleging that a flash memory designed by Samsung was infringing on its patent rights. Through the lawsuit filed with the ITC, Spansion was seeking the exclusion from the US market of the MP3 players, mobile telephones and digital cameras containing the infringing Samsung product, while the company's claims in the lawsuit filed with the District Court were damages and an injunction regarding the sale of the flash memory. On January 2009, Samsung reacted by suing Spansion's Japanese subsidiary Spansion Japan.

As part of the settlement, both companies signed licensing agreements and will withdraw all mutual litigations.



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Reference:

- (i) <http://www.itmedia.co.jp/news/articles/0904/09/news006.html>
- (ii) <http://jp.reuters.com/article/technologyNews/idJPJAPAN-37384620090408>

フラッシュ・メモリー技術の米Spansionは米国時間2009年4月7日、特許侵害で争っていた韓国Samsung Electronicsと和解したと発表した。SamsungがSpansionに7000万ドルを支払う。Spansionは2009年3月1日に米連邦破産法11条の適用を申請しており、「和解により、再建に向けた大きな一歩を踏み出すことができる」としている。

Spansionは2008年11月、Samsung製のフラッシュ・メモリーが同社の特許を侵害しているとして米国国際貿易委員会(ITC)と米デラウェア州連邦地裁に提訴した。問題のSamsung製品を搭載するMP3プレーヤーや携帯電話機、デジタルカメラなどを米国市場から排除するようITCに要請し、連邦地裁への訴状では同フラッシュ・メモリーの販売差し止めと賠償金の支払いを求めている。一方、Samsungは日本でSpansionの子会社Spansion Japanを相手取り、2009年1月に訴訟を起こした。

今回の和解条件の下、両社は互いに訴訟を取り下げる。また、特許のライセンス契約をすでに交わしているという。

参考URL:

- (i) <http://www.itmedia.co.jp/news/articles/0904/09/news006.html>
- (ii) <http://jp.reuters.com/article/technologyNews/idJPJAPAN-37384620090408>

China tops world trademark rankings for the seventh consecutive year 中国の商標登録申請数、7年連続で世界トップに

The Deputy Director of the Chinese State Administration for Industry and Commerce (SAIC), Mr. Fu Shuangjian, announced on March 30, 2009, during the WIPO Interregional High Level Forum on Intellectual Property held in Beijing, that almost 700,000 trademark applications had been filed in China in 2008, allowing the country to retain the first rank in the world in this field for the seventh year in a row.

The SAIC also announced that about 17,000 applications for international trademark registrations under the Madrid Protocol had been filed through its offices in 2008, amounting to a 4.9% increase compared to the previous year. This allows China to top the rankings for the fourth consecutive year, with a total of 130,000 cases filed over the period.

According to Mr. Fu, China has over the years drastically improved its level of international protection of trademarks, thanks to a policy of active cooperation with foreign trademark authorities. While the foreign applicants having registered a trademark in China before 1979 came from only twenty different countries or regions, the same number has risen to more than 130 countries or regions in 2008. The total number of trademarks registered in China in 2008 exceeded 530,000 - over a hundred times higher than what it was thirty years ago.

Reference:

- (i) <http://j.people.com.cn/94476/6626623.html>
- (ii) <http://www.recordchina.co.jp/group/g30027.html>

国家工商行政管理総局の付双建(フー・シュアンジエン)副局長は2009年3月30日、北京で開かれた「世界知的所有権機関(WIPO)知財権地域間高級フォーラム」に出席し、中国の2008年の商標登録申請数が70万件近くに達し、7年連続で世界トップとなったことを明らかにした。

国家工商行政管理総局が受理したマドリッド国際商標登録の申請は2008年、前年を4.9%上回る1万7千件余りにのぼった。4年連続で世界トップとなり、累計13万件余りとなった。

付副局長によると、世界各国の商標管理機関との積極的な協力を通じて、中国は、商標の国際保護を大幅に強化してきた。1979年までに中国で商標登録した国や地域は20カ国・地域に過ぎなかったが、2008年にはこれが130余りの国・地域に拡大した。登録商標数は累計で53万件余りとなり、30年前の100倍以上に達した。

参考URL:

- (i) <http://j.people.com.cn/94476/6626623.html>
- (ii) <http://www.recordchina.co.jp/group/g30027.html>

Microsoft and TomTom settle a patent infringement litigation マイクロソフトとTomTom、特許侵害訴訟で和解

The US software giant Microsoft and the Dutch company TomTom announced on March 30, 2009 (US time) that they had reached a settlement in a patent lawsuit which had seen them sue each other.

Microsoft was claiming that some of its patents were being infringed by the use of Linux's software Kernel by TomTom. As part of the settlement, TomTom will pay a financial compensation to Microsoft in connection with the protection of the US company's patents in the field of mapping and file management. At the same time, Microsoft has been granted the right to use the patents owned by TomTom and mentioned by the Dutch company in the counterclaim. No payment from Microsoft to TomTom is expected to take place.



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Both companies stated that this settlement secured the protection of TomTom's patents and ensured "TomTom's full compliance with its obligations under the GPLv2 (General Public License version 2)". As part of the settlement, TomTom will remove from its products, over the next two years, "the functionality related to two file-management systems patents". The two companies further explained that this agreement will protect TomTom's customers under the patents during that time.

Reference:

- (i) <http://japan.cnet.com/news/biz/story/0,2000056020,20390792,00.htm>
- (ii) <http://japan.internet.com/busnews/20090331/12.html>
- (iii) <http://japan.cnet.com/news/biz/story/0,2000056020,20390792,00.htm>

MicrosoftとTomTomは米国時間2009年3月30日、互いを訴えていた特許侵害訴訟で和解に達したことを明らかにした。

和解の一環として、TomTomはMicrosoftの地図機能とファイル管理機能に関する特許保護のための金銭的補償をMicrosoftに対して行う。これらの特許は、TomTomのLinuxカーネル使用によって侵害されたとMicrosoftが主張していたものだ。同時にMicrosoftは、TomTomがMicrosoftに対する反訴の中で言及したTomTomの特許を利用できるようになる。この件で、MicrosoftからTomTomに対する支払いは行われぬ。

両社は声明の中で、今回の和解によって、TomTomの特許は「GNU General Public Licenseバージョン2 (GPLv2) に基づくTomTomの義務に完全に準拠する形で」で保護されると述べている。また、和解の一環として、TomTomは今後2年間のうちに「2件のファイル管理システム特許に関連する機能を同社の製品から取り除く」ことになる。その間、TomTomの顧客は、今回の合意によってこれらの特許の下で保護されると両社は説明している。

参考URL:

- (i) <http://japan.cnet.com/news/biz/story/0,2000056020,20390792,00.htm>
- (ii) <http://japan.internet.com/busnews/20090331/12.html>
- (iii) <http://japan.cnet.com/news/biz/story/0,2000056020,20390792,00.htm>



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Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

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