

TOPIC

1. Japan Customs: Track record in import and export injunctions for 2010
税関－2010年輸出入差止実績公表
2. Concerning the patent disputes between Sony and LG Electronics -- an injunction against import of PlayStation 3 in the Netherlands
ソニーとLG電子の特許紛争－オランダでPS3輸入停止に
3. U.S. Senate passed a bill to review patent examination: from "first-to-invent rule" to "first-to-file rule"
米上院、特許審査を見直す改正法案を可決「先発明主義」から「先願主義」へ
4. "Bill to partially amend the Japanese Patent Act etc." to be submitted to the Diet
「特許法等の一部を改正する法律案」、国会提出へ



Japan Customs: Track record in import and export injunctions for 2010 税関－2010年輸出入差止実績公表

On March 7, 2011, the Customs and Tariffs Bureau at Japan's Ministry of Finance announced its record of injunctions against products which infringe intellectual property for 2010.

The number of import injunction cases for 2010 was 23, 233, surpassing 20, 000 for the fourth year in a row. The number of suspended products was 630, 688 items. The number of cases has increased by 6.1% compared with last year, and the number of items has decreased by 39.6%.

Concerning the types of suspended products, injunctions against footwear (sandals), bags, and electronic goods (vacuum cleaners, slimming devices, etc.) have increased.

As far as constituent ratios by source country is concerned, infringing products coming from China exceeded 90 percent for the first time (90.4 %), and polarization toward China as the source of infringing products advances even further. Korea ranks second as in past years, but the injunction cases against infringing products from that country decrease every year.

2011年3月7日、財務省関税局は、2010年の知的財産侵害物品の差止実績を公表した。

2010年の輸入差止件数は23,233件であり、4年連続で2万件を超えた。輸入差止点数は630,688点。件数は前年に比べて6.1%増加し、点数は39.6%減少した。

差止品目としては、靴類(サンダル)、バッグ類、電気製品(掃除機、痩身用機器等)の差止めが増加した。

仕出国別の構成比では、中国来の知的財産侵害物品が初めて全体の9割を超え(90.4%)、中国来への一極化がさらに進んでいる。仕出国2位はこれまでと同様韓国であるが、韓国来の知的財産侵害物品の差止件数は、年々減少している。

Concerning the patent disputes between Sony and LG Electronics -- an injunction against import of PlayStation 3 in the Netherlands ソニーとLG電子の特許紛争ーオランダでPS3輸入停止に

On March 4, 2011, Sony revealed that its video game console PlayStation 3 has been under injunction at the customs in the Netherlands since late February. The said injunction is in connection with the patent suits between Sony and Korea's LG Electronics, being the result of the Dutch court's granting a request for a provisional injunction made by LG. Electronics. LG. Electronics has claimed that a technology in relation to Blu-ray Disc featured in Sony's PlayStation 3 infringes its patent rights.

Also, since on March 11, 2011, the provisional injunction was lifted, Sony has revealed that it plans to resume the previously suspended shipment of PlayStation 3 to the Netherlands in the near future.

2011年3月4日、ソニーは、2月下旬から同社のプレイステーション3(PS3)がオランダで税関差止めとなっていることを明らかにした。同差止めは、韓国のLG電子との特許訴訟に関連したもので、LG電子がオランダの裁判所に仮処分を求め、裁判所がこれを受け入れたため。LG電子は、ソニーのPS3に搭載されているブルーレイディスク関連技術が同社の特許を侵害していると主張している。

また、2011年3月11日には、仮処分が解除されたため、停止していたオランダへのPS3の出荷を近日中に再開する見通しであることをソニーが明らかにした。

U.S. Senate passed a bill to review patent examination: from "first-to-invent rule" to "first-to-file rule"

米上院、特許審査を見直す改正法案を可決「先発明主義」から「先願主義」へ

On March 8, 2011, during a plenary session, the U.S. Senate passed a bill to adopt the first-to-file rule with regard to patent applications.

Until now, the first-to-invent rule has been in force in the U.S., granting the patent right to the application by the first inventor in cases where applications for the same invention are filed. However, it is not easy to determine the first inventor, and it often takes time and money.

On the other hand, under the first-to-file rule, because the decision whether or not to grant a patent is based on the order of the filing the applications, there is the advantage of not having to prove the order of invention.

米上院本会議は2011年3月8日、「先願主義」を採用する法案を可決した。

これまで米国では先発明主義が採用されており、同じ発明が出願された場合、先の発明者の出願に特許権が付与される。しかし、最先の発明者が誰かを特定することは容易でなく、時間と費用を費やすケースが多い。

一方、先願主義の下では、出願の先後で特許されるかが決まるため、発明の先後を立証する必要がないというメリットがある。

"Bill to partially amend the Japanese Patent Act etc." to be submitted to the Diet

「特許法等の一部を改正する法律案」、国会提出へ

On March 11, 2011, the Japanese Ministry of Economy, Trade and Industry (METI) announced that it is to submit the "Bill to Partially Amend the Japanese Patent Act etc." to the 177th ordinary session of the Diet.

This amendment bill aims at 1. reinforcement of the protection of license agreements, 2. appropriate protection of the inventors' rights in cases of joint research, etc., 3. improvement with regard to user convenience; 4. an overhaul of the trial system toward swift and efficient settlements of disputes.

2011年3月11日、経済産業省は、「特許法等の一部を改正する法律案」を第177回通常国会に提出することを発表した。

当改正法案は、①ライセンス契約の保護の強化、②共同研究等における発明者の適切な保護、③ユーザーの利便性向上、④紛争の迅速・効率的な解決に向けた審判制度の見直しを目的とするものである。

Introduction to Our Firm's Service

当所のサービス紹介

Import-Export Suspension Support Station
輸出入差止支援室

We offer high-quality service, combining know-how cultivated in a long years of experience and analyzes competence unique to international patent firms.

[Click here for details](#)

長年の経験で培ったノウハウと、国際特許事務所ならではの能力を組み合わせた質の高いサービスを提供致します。

[詳細はこちらへ](#)



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.

OSAKA HEAD OFFICE

ADDRESS: DAIWA MINAMIMORIMACHI BLDG.,
 2-6, 2-CHOME-KITA, TENJINBASHI,
 KITA-KU, OSAKA 530-0041, JAPAN

E-MAIL: iplaw-osk@harakenzo.com (※updated on December 2010)

WEBSITE: <http://www.harakenzo.com>
<http://www.intellelution.com>
<http://ip-kenzo.com>

TELEPHONE: +81-6-6351-4384 (Main Number)
 FACSIMILE: +81-6-6351-5664 (Main Number)



OSAKA 2nd OFFICE

ADDRESS: MITSUI SUMITOMO BANK
 MINAMIMORIMACHI BLDG., 1-29,
 2-CHOME, MINAMIMORIMACHI,
 KITA-KU, OSAKA 530-0054, JAPAN

E-MAIL: iplaw-osk@harakenzo.com (※updated on December 2010)

WEBSITE: <http://www.harakenzo.com>
<http://www.intellelution.com>
<http://ip-kenzo.com>

TELEPHONE: +81-6-6351-4384 (Main Number)
 FACSIMILE: +81-6-6351-5664 (Main Number)



TOKYO HEAD OFFICE

ADDRESS: WORLD TRADE CENTER BLDG. 21F
 2-4-1, HAMAMATSU-CHO, MINATO-KU,
 TOKYO 105-6121, JAPAN

E-MAIL: iplaw-ky@harakenzo.com (※updated on December 2010)

WEBSITE: <http://www.harakenzo.com>
<http://www.intellelution.com>
<http://ip-kenzo.com>

TELEPHONE: +81-3-3433-5810 (Main Number)
 FACSIMILE: +81-3-3433-5281 (Main Number)

