INTRODUCTION

We previously published some yearbooks of court cases for IP practitioners in the fields of chemistry and biotechnology, "Yearbooks of IP-related court cases in the fields of chemistry and biotechnology" compiling the court cases presented within each of the years 2012 to 2015 (posted on the HP of the court). We also published "Year 2015 version" of "Yearbook of IP-related court cases in the fields of structures and devices".

This book is a "Year 2015 version" of "Yearbook of IP-related court cases in the fields of electrical machines and IT". The number of IP-related court cases in the fields of electrical machines and IT in 2015 was "70 cases". In the "electrical machines and IT" version, the court cases are roughly classified into two; i.e., "IT" and "electrical machines", in each of which the court cases are arranged on the basis of their points at issue (Articles). Although many of the cases have more than one point at issue, this book selects only one point at issue in each of the cases especially from the viewpoint of making the most of court cases in practice. This book is greatly different from many other similar books in that it specializes in the fields of electrical machines and IT and is written from the viewpoint of making the most of court cases in practice.

The recent IP practice has been becoming more and more difficult to properly handle without knowledge of the latest court cases. It has been important to know the latest court cases as soon as possible and make the most of knowledge from them in practice. This book not only shows overviews of individual decisions but also presents data analyses and classification lists of decisions in the fields of electrical machines and IT. With the help of the lists, graphs, etc., readers can easily see the number and types of cases where novelty, inventiveness, support requirements, clarity requirements, and amendments were accepted, and conclusions of points at issue. Besides, each of the decisions is introduced so that readers can catch at a glance such information as date of decision, case number, court, judge, parties, title of invention, etc., points at issue, relevant article, and field. “Overview of Case” focuses
on important matters and points at issue that IP practitioners want to know, briefly describing them. Also, “Judgment (Summary)” states the conclusion as briefly as possible and “Grounds (Summary)” summarizes minimum necessary grounds for decision in relation to the conclusion. “Notes for Interpretation” gives useful information for interpretation of the articles shown in the decision rather than from a practical point of view. “Personal Comments” briefly state the author’s personal impressions and views. If there is a need to go over the court case, please refer to its decision.

“Overview of Case” also shows as detailed information as possible such as application numbers or patent numbers, trial numbers, and publication numbers of cited references, so that readers can make the most of such information for case study. It is recommended to actually do case study on a case to discuss. When looking at the below charts and lists, you could see an interesting tendency in itemized data of the total 70 IP-related court cases relating to electrical machines and IT in 2015.

I hope that this book could be helpful to IP practitioners in the fields of electrical machines and IT.

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Fig. 1

Percentages by technical fields

- Electrical Machines: 54%(37)
- IT: 45%(31)
- Others: 1%(1)

Fig. 2

Percentages by type of cases

- Request for rescission of the trial decision: 54%(37)
- Other requests: 46%(32)
Fig. 3

Percentages by courts

- Intellectual Property High Court
- Tokyo District Court

Fig. 4

Percentages by divisions of Intellectual Property High Court

- First Division
- Second Division
- Third Division
- Fourth Division
Fig. 5
Percentages by divisions of district courts

- Civil Division 29: 25% (4)
- Civil Division 40: 31% (5)
- Civil Division 46: 6% (1)
- Civil Division 47: 38% (6)

Fig. 6
Percentages by conclusions of requests

- Rejection: 2% (1)
- Approval: 29% (14)
- Dismissal: 69% (34)
Fig. 7

Percentages by conclusions of requests for rescission of the trial decision

- Rejection of requests: 28% (9)
- Approval of requests: 72% (23)

Fig. 8

Percentages by conclusions of other requests

- Rejection of requests: 29% (5)
- Approval of requests: 65% (11)
- Dismissal of requests: 6% (1)
Fig. 9

Percentages by conclusions of judgment of novelty

- Novelty (Absent → Absent): 67% (2)
- Novelty (Present → Absent): 33% (1)

Fig. 10

Percentages by conclusions of judgment of inventive step

- Inventive step (Absent → Absent): 68% (15)
- Inventive step (Absent → Present): 9% (2)
- Inventive step (Absent → Erroneous finding is present): 4% (1)
- Inventive step (Present → Present): 5% (1)
- Inventive step (Present → Present): 14% (3)
Fig. 11

Percentages by conclusions of judgment of inventive step (machines)

- Inventive step (Absent → Absent) 20%
- Inventive step (Absent → Present) 20%
- Inventive step (Absent) 50%
- Inventive step (Absent → Present) 10%

Fig. 12

Percentages by conclusions of judgment of inventive step (structures)

- Inventive step (Absent → Absent) 83%
- Inventive step (Absent → Present) 8%
- Inventive step (Absent) 9%
Percentages by conclusions of judgment of support requirements

- Support requirements (Not violating → Not violating)
- Support requirements (Violating → Not violating)
Fig. 14
Percentages by conclusions of judgment of <Inventive Step>
by First Division of Intellectual Property High Court

- Inventive step (Absent → Absent)

Fig. 15
Percentages by technical fields as well as conclusions of judgment of <Inventive Step>
by First Division of Intellectual Property High Court

- IT 50% (1)
- Electrical Machines 50% (1)

(Absent → Absent)
Percentages by conclusions of judgment of <Inventive Step> by Second Division of Intellectual Property High Court

- Inventive step (Absent → Absent)
- Inventive step (Absent → Present)
- Inventive step (Absent → Erroneous finding is present)

Percentages by technical fields as well as conclusions of judgment of <Inventive Step> by Second Division of Intellectual Property High Court

- [Electrical Machines] 13% (1)
- [IT] 37% (3)
- [Electrical Machines] 37% (3)
Percentages by conclusions of judgment of <Inventive Step> by Third Division of Intellectual Property High Court

25% (1)

75% (3)

Inventive step (Absent → Absent)  Inventive step (Absent)

Percentages by technical fields as well as conclusions of judgment of <Inventive Step> by Third Division of Intellectual Property High Court

[IT] 25% (1)

[Electrical Machines] 25% (1)

[IT] 50% (2)

Inventive step (Absent → Absent)  Inventive step (Present → Present)
Percentages by conclusions of judgment of <Inventive Step> by Fourth Division of Intellectual Property High Court

- Inventive step (Absent → Absent)
- Inventive step (Present → Present)
- Inventive step (Absent → Present)

Percentages by technical fields as well as conclusions of judgment of <Inventive Step> by Fourth Division of Intellectual Property High Court

- [IT] 50% (4)
- [Electrical Machines] 25% (2)
- [Electrical Machines] 12% (1)
- [IT] 13% (1)