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 2017 (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 2017 version” subsequent to “Year 2016 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 2017 was “57 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 57 IP-related court cases relating to electrical machines and IT in 2017.

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

April in 2018
Koichi Hirota
Patent Attorney
Analysis data of court cases

Fig. 1
Percent circle graph by technical fields

- Electrical Machines: 42% (24)
- IT: 58% (33)

Fig. 2
Percent circle graph by type of cases

- Request for rescission of the trial decision: 51% (29)
- Other requests: 49% (28)

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Analysis data of court cases

**Fig.3**

Percent circle graph by courts

- Intellectual Property High Court: 68% (39)
- Tokyo District Court: 28% (16)
- Osaka District Court: 4% (2)

**Fig.4**

Percent circle graph by divisions of Intellectual Property High Court

- First Division: 39% (12)
- Second Division: 16% (5)
- Third Division: 29% (9)
- Fourth Division: 16% (5)
Fig. 5
Percent circle graph by divisions of district courts

- Tokyo District Court Civil Division 29: 23% (4)
- Tokyo District Court Civil Division 46: 22% (4)
- Osaka District Court Civil Division 26: 22% (4)
- Tokyo District Court Civil Division 40: 11% (2)
- Tokyo District Court Civil Division 47: 22% (4)

Fig. 6
Percent circle graph by conclusions of requests

- Rejection of requests: 2% (1)
- Approval of requests: 69% (31)
- Dismissal of requests: 29% (13)
Fig. 7

Percent circle graph by conclusions of requests for rescission of the trial decision

- Rejection of requests
- Approval of requests

36%(10)
64%(18)

Fig. 8

Percent circle graph by conclusions of other requests

- Rejection of requests
- Approval of requests
- Dismissal of requests

18%(3)
6%(1)
76%(13)
Analysis data of court cases

Fig. 9
Percent circle graph by conclusions of judgment of novelty

- Novelty (Absent → Absent) [100% (2)]

Fig. 10
Percent circle graph by conclusions of judgment of inventive step

- Inventive step (Absent → Absent) [44% (10)]
- Inventive step (Absent → Present) [9% (2)]
- Inventive step (Present → Present) [26% (6)]
- Inventive step (Present → Absent) [17% (4)]
Analysis data of court cases

**Fig. 11**
Percent circle graph by conclusions of judgment of inventive step in Electrical Machines

- Inventive step (Absent → Absent): 26% (5 cases)
- Inventive step (Absent → Present): 16% (3 cases)
- Inventive step (Present → Present): 42% (8 cases)
- Inventive step (Absent → Present): 11% (2 cases)
- Inventive step (Present → Absent): 5% (1 case)

**Fig. 12**
Percent circle graph by conclusions of judgment of inventive step in IT

- Inventive step (Absent → Absent): 25% (1 case)
- Inventive step (Present → Present): 50% (2 cases)
- Inventive step (Absent → Present): 25% (1 case)
Fig. 13

Percent circle graph by conclusions of judgment of support requirements

Support requirements (Violating → Violating)
Fig. 14
Percent circle graph by conclusions of judgment of <Inventive Step> by First Division of Intellectual Property High Court

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

Inventive step (Absent → Absent)

100% (4)

Electrical Machines] 100% (4)
Analysis data of court cases

Fig. 16

Percent circle graph by conclusions of judgment of In Inventive Step by Second Division of Intellectual Property High Court

* Inventive step (Absent → Absent)  * Inventive step (Present → Present)  * Inventive step (Present → Absent)

17% (1)

33% (2)

50% (3)

Fig. 17

Percent circle graph by technical fields as well as conclusions of judgment of Inventive Step by Second Division of Intellectual Property High Court

[Electrical Machines] 17% (1)

[Electrical Machines] 33% (2)

[Electrical Machines] 50% (3)

(Absent → Absent)  (Present → Present)  (Present → Absent)

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**Fig. 18**

Percent circle graph by conclusions of judgment of *<Inventive Step>* by Third Division of Intellectual Property High Court

![Chart](chart1.png)

**Fig. 19**

Percent circle graph by technical fields as well as conclusions of judgment of *<Inventive Step>* by Third Division of Intellectual Property High Court

![Chart](chart2.png)
Analysis data of court cases

Fig. 20

Percent circle graph by conclusions of judgment of <Inventive Step> by Fourth Division of Intellectual Property High Court

- Inventive step (Absent → Absent): 33% (2)
- Inventive step (Present → Present): 50% (3)
- Inventive step (Absent → Present): 17% (1)

Fig. 21

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

- Electrical Machines: 33% (2)
- IT: 17% (1)
- Electrical Machines: 17% (1)
- Electrical Machines: 17% (1)
- IT: 16% (1)