

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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The Honorable Chairperson,
Preparatory Committee
Unified Patent Court

Re: JIPA Comments on the "Rules on Court Fees and Recoverable Costs"

Dear Chairperson

We, the Japan Intellectual Property Association, are a private user organization established in Japan in 1938 for the purpose of promoting intellectual property protection, with about 940 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property systems of other countries and make recommendations for more effective implementation of the systems.
(<http://www.jipa.or.jp/english/index.html>)

Having learned that the "Rules on Court Fees and Recoverable Costs", published by the Web-site of Unified Patent Court, on May 5, 2015. We would like to offer our opinions as follows. Your consideration on our opinions would be greatly appreciated.

JIPA again thanks the Preparatory Committee for this opportunity to provide these comments and welcomes any questions on them.

Sincerely, yours,

Akio Yoshioka

Akio YOSHIOKA
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JIPA Comments on the “Rules on Court Fees and Recoverable Costs”

As many of JIPA members engage in filing European patent applications, JIPA has closely and carefully examined the Proposal, published by the Web-site of Unified Patent Court, on May 5, 2015, under the title of “Rules on Court Fees and Recoverable Costs”. JIPA hereby presents its comments on this Request for Comments.

Needless to say, we hope the Court will be managed well, partly through the use of the Court fees. Some potential Japanese users believe the proposed fixed fee is slightly high. However, Court problems that might be caused by setting a lower fee should be avoided.

As for the opt-out, we hope that we can opt out plural patents or patent applications with one application to reduce the burden of the procedures. We believe that such a reduction in the burden would result in benefits for both the applicants and registry.

In addition, we hope that the fee for the opt-out will be discounted when there are plural patents or patent applications in a single application. In particular, when applications to opt out are collected before an agreement comes into effect, namely, the sunrise period, such applications may often be submitted. Therefore, we hope such a discounted fee for opting out will be available then.

Finally, concerning the rules for reimbursement in the cases of early settlement that are mentioned in Alternative 1’s “6. Reimbursements of Fixed and Value-Based Fees,” we would like to support this proposal because we believe it will result in user benefits.

We would be grateful if you would give positive consideration to the above comments.

(EOD)