

This article mainly explains how the idea of the 3G patent platform was developed and how this system works, including the preliminary procedures taken to deal with antitrust agencies of the trilateral countries and problems to be addressed in the future.

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Status-Quo of the Opposition System and its Effective Use

The First Subcommittee,
The First Patent Committee

It has been five years since the opposition system was revised to Post-Grant opposition system. There are some doubts as to the value of the system itself in comparison to the old system where oppositions were sought before the grant of patents. A study performed in response to such opinions on the year-by-year shifts in the number of oppositions, cancellations and approvals of corrections. As results, it was found that approximately 3000 patents were indeed corrected through this system each year. As clear from this study, the value of this system should not be denied, and indeed the system should be evaluated as useful for improving the reliability of the patent practice.

The article next discusses what is an effective way to utilize this system from the perspective of both patentees and opponents, and if there are any problems in this system which impair further beneficial use of the system. Especially, involvement of opponents in trial examinations (whether or not to adopt the so-called adversarial system) and the relationship between opposition hearings and trials for invalidation are particular problems. As for the former, the article suggests that, although there is demand for quick trial examination, a chance should be secured in the system for an opponent to present his argument against the rebuttal of the patentee to a limited extent.

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Study on Anti-Counterfeiting Alliance

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While many of Japanese companies are expending strenuous efforts to police counterfeiting products, they find themselves facing difficult problems. For example, counterfeiting acts occur repeatedly and the extent of damages they incur vary from small to large depending on the case. On the other hand, a few advanced companies who reached the limit of such everlasting efforts in vain are now engaged in alliance activities, and they have obtained fine results.

This article takes up the topic of “anti-counterfeiting alliance” as one approach for implementing effective anti-counterfeiting activities, and summarizes the result of feasibility study on such