

Research and Study on the Ideal IP Dispute Resolution System for Effective Rights Protection

The "Act for Partial Revision of the Patent Act, etc." enacted in May 2019 established a visa system and realized a review of the method for calculating damages. In the supplementary resolution of the above-mentioned "Act for Partial Amendment of the Patent Act, etc.", it is stated that the introduction of "punitive damages system" and "two-step litigation system" will be continued to be considered while keeping an eye on the trends in other countries.

As a result of the recent amendment to the law, the method of calculating damages has been reviewed and it is now possible to calculate damages more appropriately. On the other hand, the patent right, which is an incorporeal property that does not involve any deprivation of possession, has the peculiarity that infringement is tempting and easy, while its detection and prevention are difficult and Considering this peculiarity, it would be "infringement is gain" for the patent right, and it is pointed out that it is difficult to properly achieve the purpose of the patent system, which is to encourage inventions by granting monopoly rights for a certain period.

In light of this background, this research study aims to survey the actual status of IP dispute resolution systems in Japan and abroad, and to provide basic data for discussions on how to revitalize IP dispute resolution systems.

We hope that the background of the litigation system in major countries, the actual status of its use, discussions on the introduction of such systems, and evaluations of IP dispute resolution systems by domestic companies and lawyers obtained through this research study will serve as materials for future studies aimed at revitalizing IP dispute resolution systems.