

Act for Establishment of the Intellectual Property High Court

(Act No. 119 of June 18, 2004)

(Purport of this Act)

Article 1 This Act, for the purpose of ensuring more effective and expeditious trial proceedings in intellectual property cases, and bearing in mind developments in the utilization of intellectual property in the Japanese economy and society and the ever increasing importance of the role of justice in the protection of intellectual property, provide for necessary matters for establishment of the Intellectual Property High Court that shall specialize in intellectual property cases.

(Establishment of the Intellectual Property High Court)

Article 2 Notwithstanding the provisions of Article 22, paragraph 1 of the Court Act (Act No. 59 of 1947), the Intellectual Property High Court, which is a special branch of the Tokyo High Court, is to be established to handle the intellectual property cases set forth below over which the Tokyo High Court has jurisdiction:

- (i) a case pertaining to an appeal against the final judgment made by the district court of first instance that handled the action pertaining to patent rights, utility model rights, design rights, trademark rights, layout-design exploitation rights, authors' rights, publication rights, neighboring rights or plant breeders' rights, or the action pertaining to the loss of business profits caused by unfair competition (meaning unfair competition provided for in Article 2, paragraph 1 of the Unfair Competition Prevention Act (Act No. 47 of 1993), in which specialized knowledge is required for the trial.
- (ii) a case pertaining to an action provided for in Article 178, paragraph 1 of the Patent Act (Act No. 121 of 1959), in Article 47, paragraph 1 of the Utility Model Act (Act No. 123 of 1959), in Article 59, paragraph 1 of the Design Act (Act No. 125 of 1959), or Article 63, paragraph 1 of the Trademark Act (Act No. 127 of 1959) (including as applied mutatis mutandis pursuant to Article 68, paragraph 5 of that Act).
- (iii) a case in which specialized knowledge of intellectual property is required in identifying the main points at issue in the trial, beyond what is set forth in the preceding two items.
- (iv) a case in which oral argument should be held in combination with the case set forth in item 1 or 2 or with the case set forth in the preceding item.

(Judges Who Serve in the Intellectual Property High Court)

Article 3 (1) The Supreme Court designates judges who serve in the Intellectual Property High Court.

(2) The Supreme Court appoints one of the judges who serve in the Intellectual Property High Court as the President of the Intellectual Property High Court.

(Judicial Administrative Affairs of the Intellectual Property High Court)

Article 4 (1) The Intellectual Property High Court divides up its judicial proceedings or conducts other judicial administrative affairs according to the results of the meetings of the judges who serve in the Intellectual Property High Court, and the President of the Intellectual Property High Court oversees the meetings.

(2) All the judges organize the meeting set forth in the preceding paragraph, and the President of the Intellectual Property High Court serves as the chairperson.

(Secretariat for the Intellectual Property High Court)

Article 5 A Secretariat of the Intellectual Property High Court is to be established as the administrative office in charge of the general affairs of the Intellectual Property High Court.

Supplementary Provisions

This Act comes into effect as of April 1, 2005.