

Act for Establishment of the Intellectual Property High Court

(Act No. 119 of June 18, 2004)

(Purpose)

Article 1 This Act shall, 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 shall be established within the Tokyo High Court as a special branch that shall handle the following intellectual property cases over which the Tokyo High Court has jurisdiction:

- (i) Appeals against final judgments rendered by district courts in the first instance on actions pertaining to patent rights, utility model rights, design rights, trademark rights, rights of layout-designs of integrated circuits, copyrights, publication rights, neighboring rights or plant breeders' rights or actions pertaining to infringements of business interests through acts of 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 examination.
- (ii) Lawsuits pertaining to actions set forth in Article 178, Paragraph 1 of the Patent Act (Act No. 121 of 1959), Article 47, Paragraph 1 of the Utility Model Act (Act No. 123 of 1959), Article 59, Paragraph 1 of the Design Act (Act No. 125 of 1959), or Article 63, Paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 68, Paragraph 5) of the Trademark Act (Act No. 127 of 1959).
- (iii) Cases in addition to what is listed in the preceding two items in which specialized

knowledge on intellectual property is required for examination of the major points at issue.

(iv) Lawsuits for which oral proceedings should be carried out jointly with lawsuits set forth in Item 1 or 2 or cases set forth in the preceding Item that have been brought as lawsuits.

(Judges of the Intellectual Property High Court)

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

(2) The Supreme Court shall appoint one of the judges serving the Intellectual Property High Court as the President of the Intellectual Property High Court.

(Judicial Administrative Matters of the Intellectual Property High Court) Article 4 (1) The Intellectual Property High Court shall, through the discussions of the Meeting comprised of the judges serving the Intellectual Property High Court and under the general supervision of the President, assign the court cases and perform other judicial administrative matters of the Intellectual Property High Court.

(2) The Meeting set forth in the preceding paragraph shall consist of all the judges who serve the Intellectual Property High Court and shall be chaired by the President of the Intellectual Property High Court.

(Secretariat for the Intellectual Property High Court)

Article 5 A Secretariat for the Intellectual Property High Court shall be established within the Intellectual Property High Court as the body in charge of the general affairs of the Intellectual Property High Court.

Supplementary Provision

This Act shall come into force as from April 1, 2005.

Source: World Intellectual Property Organization

<http://www.wipo.int>