

WINDS FROM JAPAN

The Licensing Executives Society Japan

LESI Yokohama Conference Ends in Huge Success

By Junko Sugimura*



I am delighted to report as the Chair of Organizing Committee of the LES International 2019 Annual Conference in Yokohama.

The LESI 2019 in Yokohama is now over and all programs scheduled for May 26th to 28th were successfully carried out. I have the pleasure of reporting you that the final turnout was approximately 650 persons, which evidences the huge success of the conference.

I take this opportunity to express my sincere appreciation to all of the participants who came a long way from their own countries and also the members of the Organizing Committee who contributed to the preparation of the conference with devotion.

Yokohama is located near Tokyo, and was the first harbor city opened to the world as the entrance to Japan in 1859. Since then, Yokohama is known as the city of collaboration of the Japanese and Western cultures.

The theme of the conference was “Create an IP Culture - Open for Business” introduced by Mr. François Painchaud, the immediate past-president of LESI.



Mr. François Painchaud

In light of the development of the digital society, fundamental changes have been made to our business environment. To deal with the changes, we organized many sessions containing very current topics led by a stellar cast of speakers from all over the world.

We set up social programs in such a way that the attendees could fully enjoy the Japanese culture, including traditional Japanese cuisine as UNESCO's Intangible Cultural Heritage, as well as music and performances. We are confident that this conference provided opportunities for building networking and greeting old friends and reaching out to make new LES friends around the world.

On May 26th, the Welcome Reception was held at a restaurant where the attendees enjoyed a beautiful sunset and a spectacular view of Yokohama Bay.

In the Opening Ceremony on May 27th, Mr. Chikao Fukuda and Ms. Yvonne Chua, the past presidents of LESI, were awarded the gold medals for their achievements and longstanding contribution to LESI.



Ms. Yvonne Chua and Mr. Chikao Fukuda

The keynote speech on the first day was given by Mr. Toshiyuki Shiga, a member of the Board of Directors of Nissan Motor Co., Ltd., Chairman and CEO of INCJ, Ltd., on the theme of “The Fourth Industrial Revolution - the common sense of business will change from the ground, then what the management should do?” Following the keynote speech, a plenary session was held by Mr. Ken Nagasawa, Mr. Erich Andersen, Ms. Lyse Brillouet, Mr. Dylan Lee and Dr. Stephan Wolke on the theme of “How you expect and deal with global changes - Designing the future of your company and IP strategy.”



Plenary Session

The keynote speech on the second day was given by Mr. Satoru Matsuzaki, President and Representative Director, Ryohin Keikaku Co., Ltd. (MUJI), on the theme of “MUJI - Global Expansion -.” Following the keynote speech, there were two mini plenary sessions: the first one was entitled “EV Charging – International Interoperability and IP - How to make charging

work efficiently in world markets? (and respect IP)” and given by Ms. Huimin Gong, Ms. Jackie Gu, Mr. Makoto Dave Yoshida, Mr. Volker Blandow and Dr. Junlei Wang. The other mini-plenary session was held on the theme of “Recent IP and Business Trends in Advanced Drug Discovery Technology” given by Mr. Ichiro Nakatomi, Mr. Andrew M. Radin, Mr. S. Roy Kimura, Mr. Patrick Reid, Dr. Steve Yang, and Ms. Masumi Suzuki.

Five or six workshops on very attractive and interesting topics followed the plenary session each day.

I would like to emphasize that we had a great opportunity to hold the first Woman In Licensing Alliance (WILA) event in the afternoon of May 27th, initiated by Ms. Fiona Nicolson, President of LESI. It was such a memorable moment to celebrate the launch of the WILA initiative. As with the YMC events held before the Welcome Reception on May 26th, many attendees participated in these special events.



Woman In Licensing Alliance (WILA)

On May 26th, “Japan Night” was held at the Yokohama Museum of Art. We privately reserved the museum to hold this event. The attendees appreciated the modern paintings and had Japanese sushi, sake and other cuisine and enjoyed Japanese culture.

At the GALA dinner on May 27th, a Ninja performance was delivered to liven up the last social event. The attendees promised to see each other in the next annual conference in Berlin.



Japan Night



Opening of Gala Dinner



Past and current Presidents of LESI

On May 28th, many participants enjoyed a half-day excursion to Kamakura, known as a small Kyoto. They visited traditional Japanese shrines and temples and experienced a very traditional Japanese atmosphere.

Now, I look back on how we started the preparation of the conference. The Organizing Committee was established three years ago. Since then, trustee members of LES Japan gathered almost every month to discuss programs and check the status of the preparation. What was remarkable about our committee was that we only used PCO for registration matters, and prepared literally everything else, including preparation of the program, visa documents, name badges, and the operation of lightening or sounds, etc. Each of the committee members worked tirelessly and dedicated tremendous amounts of time for this event. It was such an unforgettable experience. I would like to take this opportunity to thank all of the committee members again for their tireless dedication to bring this conference to a big success.

Last but not least, I would like to express our sincere gratitude for invaluable support by the sponsors and subsidies from the City of Yokohama. Without their support, the success of the Yokohama Conference could not be attained.

I will see you all in Berlin next year!

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\* Chair of Organizing Committee of 2019 LESI Annual Conference in Yokohama

# Memories of the Yokohama Conference

By Yvonne CHUA \*

The LESI 2019 Yokohama Conference was one of the most memorable and enjoyable conferences that I have ever attended. My heartiest congratulations to the Organizing Committee of LES Japan on the remarkable success of the Conference and the record high number of registrants. From the choice of theme and venue, to the program content, speakers, panelists and social programs, every detail was immaculately planned and executed, demonstrating the Committee's commitment to excellence.

Under the simple, yet vital and current, theme of "*Create IP Culture – Open for Business*", over 100 speakers/panelists took part in the 2-day program comprising of Plenary sessions and 21 workshops. Leading experts from the US, Europe and Asia, including those from Nissan, MUJI, Microsoft, Huawei, Orange group, Canon and the Eurasian Patent Office, provided invaluable insights into the latest global and regional IP landscape, covering diverse business and legal perspectives of different industries and technologies, including strategies relating to open innovation, licensing, artificial intelligence, digital economy, technology commercialization, brand strategy and dispute resolution and other hot issues. Their sharing has brought forth inspirational interactions and created much synergy, amongst participants that included new attendees from various universities' technology transfer department, different businesses, big corporations and SMEs. The unique and varied global business empowerment and networking accomplished in this Conference have fulfilled LESI's mission to be a creative drive across multiple sectors.

Through the daily social programs, we had the opportunity to experience Japanese culture, art and cuisine, with the whole conference instilled with the joy of LES friendship. Yokohama has

long been a place to exchange culture, friendship and information between Japan and the world. The Pacifico Yokohama, located in the Yokohama waterfront district and offering a beautiful view especially at night with illuminated skyscrapers, was really a spectacular venue. The Cocktail reception at the Museum of Art combined appreciation of Japanese art together with enjoyment of sake, wine, western and Japanese food, and was most interesting. The Gala dinner, with the distinguished performances, rounded off the Conference at a high note. It was particularly touching to see LES Japan President Mr Ogino and Chairman Junko cheerfully welcome every guest outside the entrance of each venue. Further, the friendly toasting by leaders of LESI and LES Japan specifically to each room and table at the dinner on Sunday evening has made it an especially warm gathering of the LES family. The deep sincerity of the host as embraced in each event is what I much cherish, and such has brought forth an especially unforgettable experience. YMC members, I understand, had happily enjoyed Yokohama especially as they had the opportunity to have a wonderful Izakaya dinner and an authentic Japanese karaoke night, both of which were well attended.

In all, it was heartwarming to witness the professionalism and dedication of the Organizing Committee under the leadership of Mr. Ogino and Junko, to see the happy engagement of LES members and friends from nearly every national society of LESI, and the participation of presidents of other global IP organizations such as AIPPI and APAA. This was truly an international conference of enriching, sharing and delight evidencing the vibrance of LESI and I deeply feel that LES indeed also stands for 'learning and enjoying society', as our learned Japanese friends have put it.

My first LESI conference being in 2002 was in Japan. Amazingly, its Japan again that after 17 years of passionate devotion in LES work, with

my LES friends and all in the LES family, together we celebrated the joy of the Gold Medal kindly awarded to me. In a thankful spirit, I look forward to continue *joining hands* with all in the LES Family to foster the IP culture across businesses globally!

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* Past President of LESI, LES China,
Consultant of Wilkinson & Grist, Hong Kong,
China

By John PAUL *

The annual conference of the Licensing Executives Society International in Yokohama offered a splendid combination of professional education, cultural events, opportunities to exchange ideas and have fun with hundreds of licensing professionals around the world. What a wonderful experience! The quality of the program and arrangements reflected a huge amount of thought and work by the organizers in LES Japan, and particularly the chair of the organizing committee, Junko Sugimura, who was always present as a welcoming host, constantly assuring that everything proceeded perfectly.

Meetings of the national delegates and LESI committees preceded the educational program and had the highest attendance of any such meetings. The LESI president-elect Fiona Nicholson developed an ambitious plan of projects for the coming year and appointed strong leaders to take responsibility for those projects. The industry committees in life sciences, chemical and materials, and high technology were charged with reaching out and increasing engagement with even more members of those industries involved in licensing and managing IP to assure that the LES programs in the coming year included the issues most important to those members and to have LES serve as a platform for education, discussion, and progress on those issues.

The educational programs started with a keynote speech presenting a broad overview of commercial and intellectual property issues surrounding the fourth industrial revolution. A top executive and member of Nissan's board of directors, Toshiyuki Shiga, set the tone for the program by discussing commercial and intellectual property issues on how the Internet of Things, Big Data, and AI apply to the automobile

industry and changes for the future such as car sharing, ride sharing, and robot taxis.

That broad overview was followed by insights and practical advice by a panel of IP heads of major corporations who discussed how they predict and deal with changes of technology and business around the world involving the fourth industrial revolution. The IP heads represented an array of companies throughout the world including Microsoft (USA), Canon (Japan), Orange (France), Huawei (China), and Thyssenkrupp (Germany.)

Complementing the focus on technology businesses was a second keynote speech providing insights into the use and value of branding in starting and growing a business. The president of The Seiju, Ltd., Satoru Matsuzaki, described Seiju's launch of MUJI as a proprietary brand with 40 items, their extremely successful global expansion into a brand with 7000 items sold in 28 countries and regions, and their business plan for the next few years.

Mini-plenaries developed themes from the plenaries in two contrasting industries - automotive and pharma. The automotive session focused on creating standards for international interoperability of electric vehicle charging and included speakers from product manufacturers like Delphi, standards organizations like the Fast Charging Association in Japan, and government representatives like the Chinese Minister of Strategic Research and Intellectual Property Rights, Information Institute of China Automobile Technology Research Center. The pharma session focused on recent IP and business trends in advanced drug discovery technology involving computational technologies, as well as changes in styles of alliance and negotiations that have followed. The panel included leaders of top computational drug discovery companies and big pharma

including several CEOs and the head of the patent law department for Johnson & Johnson in Japan.

Many workshops and discussions followed, addressing a wide variety of industry issues and legal issues including strategies for open innovation, strategies for biotechnology licenses with multiple licensors, technology transfer from universities and technology commercialization by small and medium sized entities, global patent licensing and antitrust law developments, mock mediations of IP license disputes, mock oral arguments on the fair, reasonable, and non-discriminatory royalties in the US and UK, global trends in patent strategies and dispute resolution including comparing litigations in courts and arbitration to resolve standard essential patent disputes, trade secret protection and transfer of know-how on cross border transactions.

The outstanding cultural and social events included a Japan Night Reception at the Yokohama Museum of Arts involving a tour of the exhibits and a sampling of various sake and foods, a Gala Dinner with a variety of musical and martial arts performances, and a tour of Kamakura including a visit to the Hokokuji Temple, Tsurugaoka Hachimangu, and the Great Buddha Kotoku-in, as well as a sampling of Matcha tea and Japanese sweets.

All in all, start to finish, the LES International annual conference in Yokohama was a great experience - informative, inspirational, fun, and a fantastic success.

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\* Treasurer of LESI, LES US & CANADA,  
Partner of Finnegan, Henderson, Farabow,  
Garrett & Dunner, LLP, USA

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## By **Mattia DALLA COSTA** \*

Dear LESI 2019 Yokohama Conference Organizing Committee, dear Japanese friends,

If I am looking back to our conference in Yokohama I am overwhelmed by a collection of many charming moments and by the fascination of this beautiful country where centuries of tradition, high tech, amazing food and a courtesy I never found in another place of the world are blending in a unique fusion: Japan.

Visiting in Kyoto the oldest martial arts center (where my 30 years passion for karate reached its highest level), sitting in the gardens of the old temples of the city, walking through the elegant streets of Ginza, getting lost in the Tokyo underground (and thinking you will never find the right exit ...until a nice Japanese appears like an angel to help ...), enjoying tempura in microscopic restaurants hidden in the streets of Shibuya, chatting with people in a mixture of languages in the sushi bars spread out everywhere in the city, being welcomed and supported by a fantastic and always smiling Organizing Committee at the welcome reception and in all the

following events, are pieces of a beautiful puzzle which I will never forget.

The international delegates meeting opened this fantastic 2019 annual conference and like a traditional family reunion we could discuss the new challenges of our association with passion but on fair way. The nice chats of the international delegates dinner were guided thorough superb Japanese food and with the entertainment of the funny but insightful talk of Francois Painchaud supported by the Scottish humor of Fiona Nicolson and the Japanese charm of Junko Sugimura.

The choice of the venue was perfect, closed to the hotels and overlooking the beautiful bay of Yokohama. Every spot of the congress was on a walking distance and the staff very efficient.

The academic program was very well organized (and with Swiss timeliness we were warned in the months before the conference about deadlines and homework), the key note speakers showed us the view of the industry for a Japan of this new century embedded in a global economy, the seminars were well attended and interesting, the networking was effective, business oriented

but always with a touch of Japanese kindness, the social events gave us the evidence of a country where high speed and high tech mix with the sense of peace and calm given by the old instruments played by the musicians and singers at the gala dinner.

Beautiful was the reception at the Modern Art Museum and enjoying the master pieces of the Japanese art in a very pleasant ambience reserved only to the LESI guests.

The LESI 2019 Annual Congress in Yokohama will not be remembered only for this but also for the Women in Law. The first WILA event took place at the Yokohama Conference, surrounded by charming but power ladies and

many “sparkling” male supporters ... and set up a new important page in the LESI history.

On behalf of LES Italy but – I am sure- on behalf of all attendees I have to thank you all, dear members of the Organizing Committee, for the great work you did and for the fantastic experience we could enjoy in your beautiful country.

Arrivederci next year in Berlin and ..... in 2022 in Venice !

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* Legal Counsel of LESI, President of LES Italy,
Partner of CBA Studio Legale e Tributario,
Italy

Qualcomm Succeeds in the Antitrust Appeal Case

By Jinzo Fujino *

On March 15, 2019, the Japan Fair Trade Commission (JFTC) revoked its earlier determination that San Diego-based chipmaker, Qualcomm had violated Japan’s Antimonopoly Act (AMA). This revocation was a long-awaited victory to Qualcomm that had long been the subject under antitrust scrutiny around the world.

License Agreements in question

Qualcomm owns many patents relating to CDMA wireless telecommunications including those essential for relevant technology standards. As for these standard-essential patents (SEPs), Qualcomm committed to the standard-setting body to grant a license on fair, reasonable and non-discriminatory (FRAND) terms.

In and after 2001, Qualcomm concluded license agreements with Japanese manufacturers of cellphones and base stations. The agreements, while granting to the licensee a license to use the licensor’s CDMA patents and relevant SEPs, included provisions to prohibit the licensee from initiating an action against the licensor under its own patents (non-assertion clause) and provisions to demand a free cross license under its patents (royalty-free license clause).

The JFTC charged that both clauses, non-assertion clause and royalty-free license, were unlawfully restrictive and instituted investigations under the AMA of the license agreements between Qualcomm and Japanese manufacturers. In 2009, the JFTC determined that Qualcomm had coerced its licensees to execute the restrictive license agreements which would likely hamper fair competition on the R&D market. Based on this finding, the JFTC issued an order to exclude the clauses in question from the license agreements. Qualcomm appealed this determination of 2009. The JFTC accepted the appeal to rehear the case. The JFTC’s conclusion to revoke the initial determination is based on the rehearing of the appeal case.

Now that the AMA was partly amended in 2013, an appeal filed against the JFTC determination is to be heard before the Tokyo District Court. It has to be noted that the recent JFTC determination is an outcome of the procedures in accordance with the old law before amendment.

Details of the Rehearing

In a series of hearings which lasted over 9 years, the JFTC focused its analysis of Qualcomm’s SEPs and its license agreements with Japanese manufacturers. The hearings were

directed to, among other things, the non-assertion clause and the royalty-free license clause. As a result, the JFTC concluded that evidence was not sufficient to recognize the adverse influence to fair competition on the market. The non-assertion clause, according to the JFTC, was limited in its scope to allow companies to obtain items from other sources at a lower price than that offered by Qualcomm. The JFTC also found that the evidence was not sufficient to justify Qualcomm's restrictive conditions which resulted in hampering the research and development activities of the licensees.

It deserves mentioning that the JFTC, unlike other regulators abroad, did not focus on Qualcomm's possible breach of FRAND commitments. Reportedly, the word "FRAND" doesn't appear at all in its 100-page long judgment. One of the reasons for this is because the JFTC applied its analytical approach based on the doctrines adapted in its precedent in the case of JFTC v. Microsoft. In the Microsoft case which concluded in 2008, the question of unfair trade conduct with restrictive agreements was addressed.

In the case of Qualcomm's appeal, the rehearing took almost a decade to complete. During the pendency of the rehearing, the touchstone of scrutiny has shifted from the traditional unfair trade to the balanced interest between the licensor and the licensee in the field of wireless communications. This shift makes the JFTC's revocation somewhat obscure and outdated for those who are familiar with the quick development of FRAND cases worldwide.

Antitrust scrutiny against Qualcomm has been everywhere in the world. In August 2018, Qualcomm agreed with the Taiwan competition authority to settle the case with the payment of US\$ 93 million and a license grant to competing chip-set suppliers. In February 2015, Qualcomm was ordered to pay the penalty of US\$975 million to the Chinese competition authority as a settlement fee.

Comparative Cases

The following discusses a Korean case and a US case in more detail.

In August 2014, the Korean Fair Trade Commission (KFTC) initiated an investigation of Qualcomm, charging that Qualcomm's licensing practice which bound the CDMA license with the

modem chip suppliers had instituted a violation of the Korean competition law. Finding an abusive use of its dominant position on the market, the KFTC determined a violation by Qualcomm of the Korean competition law in December 2016 and awarded an administrative monetary penalty of US\$854 million.

This case involved other issues including whether Qualcomm had refused/limited a cellular SEP license to competing chip-set manufacturers, whether Qualcomm had bound the supply of modem chip sets with the patent license and whether Qualcomm had coerced the licensees its own royalty to accept while demanding a royalty-free license from the licensees. The KFTC found that this type of conduct was combined to constitute an anti-competitive business model, thereby hampering R&D activities of competing companies. The KFTC also said that Qualcomm should refrain from abusively using its dominant position on market in view of its FRAND declaration to the standard-setting body. Finding Qualcomm's market power too large, the KFTC concluded that Qualcomm's licensing practice jeopardized the effect of its FRAND commitment to the standard-setting body.

Another case is a US case in which the Federal Trade Commission (FTC) brought an antitrust case against Qualcomm before the District Court in California. In its complaint filed in January 2017, the FTC charged that Qualcomm had violated §5 of the Federal Trade Commission Act by way of conducting its licensing practice with CDMA patents and SEPs. The FTC requested a motion for partial summary judgment regarding the issue of whether two agreements between Qualcomm and its licensees obligated Qualcomm to license its SEPs to competing modem chip suppliers. The Court granted the FTC's motion for partial summary judgment. The Qualcomm's licensing practice questioned in this case was so-called a "no license, no chip" practice. With this practice, Qualcomm refused to grant a CDMA license to competing modem chip suppliers, while granting the same to handset suppliers. Under the intellectual property policy of the domestic standard-setting bodies, the Court decided that Qualcomm is obliged to grant a CDMA license to the modem chip supplier.

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*\*Editor /Office of Fujino IP Management*



# *IP News from Japan*

**By Shoichi Okuyama, Ph.D.\***

## **Abusive use of superior position - 726 cases reported**

In June 2019, the Japan Fair Trade Commission (JFTC) published a report on abusive use of superior position with respect to know-how and intellectual property of manufacturers. This report is based on a survey conducted by the JFTC. A questionnaire was sent to about 30,000 manufacturing companies (26,300 SMEs and 3,300 large companies), and hearings were held with 122 manufacturers, industry associations, and experts. The JFTC received 15,875 replies reporting 726 cases (641 entities) of suspected abuse. Typical examples include forced disclosures of know-how, coerced name-only joint research agreements, interference in filing patent applications and forced transfer of IP rights *gratis*. The report is 92 pages long and contains 30 typical reported cases with detailed discussions. The JFTC noted that it would hold a series of seminars and work with the Ministry of Economy, Trade and Industry and the Japan Patent Office (JPO), collect more information, and respond to any violations under the Antimonopoly Act, which prohibits abusive use of superior position in business.

Recently, the JFTC has not been very active in the field of intellectual property except for a few revisions made to its old guidelines. This report may signal a change.

## **Supreme Court revisits inventive step**

The Supreme Court of Japan rendered a decision on August 27, 2019, in which the inventive step requirement was further elucidated. The Court reversed the original IP High Court decision and remanded the case for further evaluation of unpredictable and outstanding effects of the patented invention.

Japanese Patent No. 3068858 at issue was filed on May 3, 1996, and published as WO96/39147. The patent term had been extended by five years. The patent was jointly owned by Alcon Laboratories, Inc. and Kyowa Hakko Kogyo, Ltd. A petition for invalidation was filed

in the name of an individual in 2011. The claim 1, which was amended after the grant, is as follows: “An ophthalmological agent which is topically administrable for treating allergic eye diseases in a human and prepared as an eyedrop formulation for stabilizing human conjunctiva mast cells, comprising a therapeutically effective amount of 11-(3-dimethylaminopropylidene)-6,11-dihydrodibenz[b,e]oxepin-2-acetic acid or a pharmaceutically acceptable salt thereof.”

The *cis* form of the compound recited in the claim was already known as of the priority date in Reference 1 (research paper entitled “Effects of antiallergic drugs on experimental allergic conjunctivitis in guinea pigs”). The claim 1 is meant to cover both *cis* and *trans* forms. After an initial JPO decision finding the patent valid) and appeals up to the Supreme Court, the case went back to the JPO. In the second decision of December 2016, the JPO again decided to maintain the patent as amended. The case was appealed before the IP High Court, which reversed the JPO decision, and the case went to the Supreme Court.

In its decision, the JPO noted that although the differences between the claimed invention and Reference 1 would have been easily conceivable or were matters of design choice for one skilled in the art in view of References 1 and 2, the newly found efficacy of the recited compound represented an outstanding (remarkable) effect that one skilled could not have anticipated in view of References 1 and 2 and common general knowledge as of the priority date, and found the patent to be valid. References 1 and 2 did not teach histamine release inhibition in human conjunctiva mast cells of the recited compound, but a prior art paper discussed topical use in the eye of compounds that show histamine release inhibition against allergy in human patients.

The IP High Court, based on the same facts presented before the JPO, reasoned that with respect to the compound recited in the claim, the effect of the present invention could not be recognized as being unanticipatable and outstanding for one skilled in the art because, as of the priority date, several other compounds similar to, but not the same as, the recited

compound were known as ophthalmic agents that show high histamine release inhibition in human patients.

The Supreme Court disagreed. While the other compounds show histamine release inhibition similar to the recited compound, their chemical structures are different from that of the recited compound, and they are not related to Reference 1 and have nothing to do with Reference 2. It also pointed out that the IP High Court failed to consider any specific circumstances that would have related the newly found efficacy of the recited compound to those of the other compounds.

The Supreme Court summarized its findings: “Ultimately, the original court did not sufficiently consider whether the effect, especially the extent of advantageous effect, achieved by the present invention would have been unanticipatable and outstanding as of the priority date, nor whether such effect was outstanding beyond the range of effect that could have been anticipated by one skilled in the art. Assuming that it was easily conceivable to apply the recited compound to the use according to the present invention, the original court immediately concluded that the effect of the present invention

was anticipatable and not outstanding, merely because it was known at the priority date that other compounds had comparable effects as that of the recited compound. Thus, we conclude that the judgement of the original court is based on incorrect interpretation and application of statutory provisions and is unlawful.”

Instead of finding the patent valid, the Supreme Court remanded the case to the IP High Court for further fact-finding as to unanticipatable and outstanding effects, as well as other factors relevant of the present invention.

In essence, this Supreme Court decision requires that more careful consideration be given when inventive step is denied, and this is good news for those seeking patent protection. Also, this decision is more in line with current JPO practice than the logic (or lack thereof) the IP High Court used.

On the other hand, this author believes that the Supreme Court has left some room for the IP High Court to find the subject patent invalid as a result of further review.

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* Editor / Patent Attorney, Okuyama & Sasajima

Editors’ Note

This issue includes articles, “LESI Yokohama Conference Ends in Huge Success” by Ms. Junko Sugimura, “Memories of the Yokohama Conference” by Ms. Yvonne Chua, Mr. John Paul and Mr. Mattia Dalla Costa, “Qualcomm Succeeds in the Antitrust Appeal Case” by Mr. Jinzo Fujino, and “IP News from Japan” by Mr. Shoichi Okuyama.

Thank you for supporting “*WINDS from Japan*.” This newsletter will continue to provide you with useful information on activities at LES Japan and up-to-date information on IP and licensing activities in Japan.

If you would like to refer to any back issues of our newsletters, you can access them via the following URL:

<https://www.lesj.org/en/winds/new.php>
(YF)

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