

Patent News of Japan

August, 2016



1 . Suntory and Asahi settled patent litigation.

Suntory Holdings Ltd. and Asahi Breweries Ltd. announced that they reached a settlement over a Suntory’s patent for alcohol-free beer. Under the settlement reached at the Intellectual Property High Court, Suntory would drop the case and Asahi would withdraw its invalidation trial for Suntory’s patent.

Suntory filed a request to stop Asahi from producing and selling its Dry Zero beer claiming that Asahi infringed Suntory’s patent on non-alcoholic beverages with a beer taste (granted patent number 5,382,754). Last October, the request was dismissed at the Tokyo District Court. And Suntory appealed to the IP High Court. On the other hand, Asahi filed a request for invalidation of the patent claiming that the technology could have been invented easily by persons skilled in the art.

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2 . Pharmaceutical companies would sell their patent-expired medicines.

It is said that Astellas Pharma Inc. and Shionogi & Co., Ltd. consider to sell divisions and medicines that have expired patent protection according to the news. In the past, off-patent medicines have been primary sources of revenues. However, the profits from off-patent drugs are becoming lower because generic medicines are used widely and Japanese government set a goal of penetration rate of generic drug to 80%. This April, Takeda Pharmaceutical Company Ltd. and Teva Pharmaceutical Industries Ltd. announced the establishment of joint venture corporation in Japan to deal with the off-patent drugs. This event touched off vigorous movements in pharmaceutical industries.

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3. JPO provides English translation of IP judgement in Japan

Japan Patent Office (JPO) provides English decision (appeal, opposition and advisory opinion) that are considered to be helpful for lawful interpretation and understanding the practices at http://www.jpo.go.jp/torikumi_e/t_torikumi_e/decisions.htm. The IP related judgements are posted on the website of I P High Court (http://www.ip.courts.go.jp/app/hanrei_en/search). The judgments that are possibly to be a precedent case are also introduced on the web, listed by topic. http://www.ip.courts.go.jp/eng/hanrei/judgments_list/index.html.

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4. JPO Compiles the JPO Status Report 2016.

JPO announced that they published the JPO Status Report 2016. The Report has been compiled with the aim of quickly communicating the JPO's latest statistical information and the results of its policies to the public. http://www.jpo.go.jp/english/reference_room/statusreport/status2016_e.htm

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