

The Empirical Study of Patent Litigate Terminal Judge in Japan 1988-2005

Takahiro Yuzuki*

This version 21/JAN/2011

Abstract

Patent system is included two – Convention de Paris pour la protection de la propriété industrielle and Domestic Act – ways all over the world. The reason of standard of independence in countries about patent itself, we have to pay attention to the individual effect of domestic law system for the patent dispute for each Signatory. Lanjouw and Lerner (2001), Lanjouw and Schankerman (2001,204) argued the incentives of setting patent dispute trials at preliminary injunction term. But in Japan, we cannot investigate the preliminary injunctions because of disclosure system for patent holders. Only patent dispute judge is formally opened in the patent dispute statistics.

In this paper, we focus on the 1988 Japan patent law reforms (Sakakibara and Branstetter (2001)) and 2005 reforms (Japan Intellectual Property Higher Court). We estimate the probability of approvals through the patent dispute terminal judge.

Keywords : Number of Claims, Civil Procedure Stamp Fee, patent dispute terminal judge, approvals.

JEL Classification: K33,K41

*Graduate School of Economics, Kyoto University E-mail:t-yuzuki@ceres.dti.ne.jp

This research was partially supported by the Ministry of Education, Science, Sports and Culture, Grant-in-Aid for JSPS Fellows, 08J05608,2008-2009.