# Cross-Border Patent Infringement in Japan
# Comment on the Supreme Court's Decision of September 26, 2002
# (The "Card Reader" Case)

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## I. INTRODUCTION

In its judgment on September 26, 2002[1], the Supreme Court of Japan considered the question of what law is applicable to a foreign (in this case, U.S.) patent infringement for the first time. This judgment has been subjected to thorough analysis and criticism by Japanese scholars, but is also an important touchstone for increasing cross-border litigation on intellectual property rights, which Japanese courts are beginning to face in a variety of contexts (validity, ownership, transfer and infringement of intellectual property rights, especially copyright, trademark and patent).

This article seeks to analyze the meaning of this Supreme Court decision in the context of Japanese private international law. Part II of the article sets forth the facts and content of the judgment (Section 1 & 2). Part III analyzes the international jurisdiction to adjudicate a foreign patent infringement case (Section 1). In particular, Section 2 explores whether to subject patent infringement cases to the ordinary rules of international jurisdiction, rather than recognizing the exclusive jurisdiction of the country …..

* The author thanks Mrs. *Ashley Harris* for her devoted proofreading

1 *Fujimoto v. Neuron Co. Ltd.,* Minshû 56-7, 1551 (Supreme Court, Sep. 26, 2002); Hanrei Jihô 1802 (2003) 19; Hanrei Taimuzu 1107 (2003) 80. The English translation of this judgment will be published in: Japanese Annual of International Law 46 (2003).