

(Tentative Translation: only Japanese version is authentic)

Partial Amendment of “Guidelines for the Use of Intellectual Property under the Antimonopoly Act”

January 21, 2016

Japan Fair Trade Commission

In order to clearly show the principles about the use of intellectual property rights including patent right under the Antimonopoly Act, the Japan Fair Trade Commission (hereinafter referred to as the "JFTC") has stipulated “Guidelines for the Use of Intellectual Property under the Antimonopoly Act” (September 28, 2007) (hereinafter referred to as the “IP Guidelines”) and “Guidelines on Standardization and Patent Pool Arrangements” (June 29, 2005). Although the issues related to the Standard Essential Patent under the Antimonopoly Act shall be basically judged based on these guidelines, these guidelines have limited descriptions about the acts that seem, on its face, to be the exercises of right, for instance, bringing an action for an injunction by the Standard Essential Patent holder. Therefore, the JFTC decided to partially amend the IP Guidelines, and made the draft public requesting public comments from various interested parties.

In response to the request for comments, 54 comments were submitted. The JFTC carefully reviewed all comments and partially amended the draft and published the revised IP Guidelines (see attachment).

The JFTC will adequately inform enterprises and trade associations of the revised IP Guidelines, to prevent them from violating the Antimonopoly Act and help them pursue their appropriate business activities. The JFTC will also continue to appropriately apply the AMA.

*All announcements are tentative translations. Please refer to the original text written in Japanese.