Japan

“Offer for Sale”

Patent Act 2(3)(i) – *Nidec Co. Ltd. v. Samsung Electro-Mechanics*

Decision of the Intellectual Property High Court
15 September 2010

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International jurisdiction in patent matters is affirmed for a suit brought by a Japanese plaintiff against a Korean defendant that operates a website also in Japanese, that offers potentially infringing products on it, lists “Japan” as sales inquiry, and indicates a Japanese address, phone and fax number and enables a customer to select an option of “inquiry to purchase” with the possibility of making a purchase, as either sending a request of offers for sale or receiving such offer occurs in Japan.

Summarised by Hisayoshi Yokoyama